

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK
SYRACUSE DIVISION

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JAMES DEFERIO,

Plaintiff,

vs. CIVIL ACTION NO.: 5:16-CV-0361 (LEK-TWD)

CITY OF SYRACUSE; FRANK FOWLER,
in his official capacity as Chief of
Police for City of Syracuse Police
Department, JOSEPH SWEENEY, individually
and in his official capacity as Captain
for the City of Syracuse Police Department
and JAMEY LOCASTRO, individually and in
his official capacity as Sergeant for the
City of Syracuse Police Department,

Defendants.

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Deposition of CHRISTOPHER SHEPARD, held on May 2,
2017, commencing at 12:21 p.m., at Precision Reporters,
P.C., One Lincoln Center, Suite 750, Syracuse, New York,
before Erica Bedford, Court Reporter and Notary Public
in and for the State of New York.

A P P E A R A N C E S

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BY: TODD M. LONG, ESQ.
AMANDA R. HARRINGTON, ESQ.

EXAMINATION OF CHRISTOPHER SHEPARD

Pages

By Mr. Mangini:

5 - 76

	<u>Page Marked</u>	<u>Page Identified</u>
Exhibit No. 1 (E-mail memo from 2014)	24	24
Exhibit No. 2 (Parade/Public Assembly Permit)	34	35
Exhibit No. 3 (E-mail regarding draft permit requests for the flag raising)	46	46
Exhibit No. 4 (Parade/Public Assembly Permit for staging area for 2015)	53	53
Exhibit No. 5 (parade/Public Assembly Permit for the 2015 festival)	59	60
Exhibit No. 6 (Parade/Public Assembly Permit Application for 2015, with change to 40 feet)	63	63
Exhibit No. 7 (Parade/Public ASsembly Permit dated 6/14/16)	65	65

FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties that the presence of the Referee be waived;

IT IS FURTHER STIPULATED AND AGREED that the witness shall read and sign the minutes of the transcript within 60 days upon receipt, and that the filing of the transcript be waived;

IT IS FURTHER STIPULATED AND AGREED that all objections, except as to form, are reserved until the time of trial;

IT IS FURTHER STIPULATED AND AGREED that this Deposition may be utilized for all purposes as provided by the Federal Rules of Civil Procedure;

AND FURTHER STIPULATED AND AGREED that all rights provided to all parties by the Federal Rules of Civil Procedure shall not be deemed waived at the appropriate sections of the Federal Rules of Civil Procedure shall be controlling with respect thereto.

SHEPARD - MANGINI

1 C H R I S T O P H E R S H E P A R D,
2 called as a witness and being duly sworn, testifies as
3 follows:

4 EXAMINATION BY MR. MANGINI:

5 Q So my name is -- for the record, my name
6 is Tony Mangini, I'm the attorney for Mr. Jim Deferio.
7 I'm just going to ask you a few questions about the CNY
8 Pride Festival, that kind of thing, just to -- just to
9 get some idea of what's going on there. Okay?

10 A Uh-huh. Sure.

11 Q If I ask a question you don't understand,
12 feel free to, you know, ask me for clarification. I'll
13 be glad to do that. And if you could verbalize your
14 answers because it's easier on the transcriptionist
15 to -- to tie that down, as opposed to like --

16 A Oh, oh, okay.

17 Q -- like if I ask you a question as
18 opposed to nodding your head.

19 A Sure. Sure.

20 Q Yeah. So let's just start off. Tell me
21 about yourself. What do you do, Mr. Shepherd?

22 A I'm an elections assistant for the
23 Onondaga County Board of Elections?

24 Q Okay.

25 A And I became a volunteer for CNY Pride in

1 2010 and joined their Board of Directors two years
2 later.

3 Q Okay. Do you still do that?

4 A No.

5 Q Okay. Okay. When did you -- when did
6 you stop doing that?

7 A I finished my second term in 2015 and
8 stepped aside.

9 Q Okay.

10 A Five years in any organization is usually
11 enough for, you know --

12 Q Gotcha. Okay. Okay. So what did you do
13 at -- at CNY Pride?

14 A Well, I started out as a volunteer
15 working on a couple of small events and doing cleanup
16 actually back when the festival was over in the Everson
17 Museum Plaza.

18 After I was elected as a board member,
19 the couple that were mentoring me moved away from town
20 so I kind of felt like a fish out of water. But in any
21 event, the following winter I was asked if I would chair
22 the parade and also the flag raising event that we do
23 each year.

24 Q Okay. Okay. And are those two -- are
25 those two separate events, the flag raising and the

1 parade?

2 A They had not been until 2012, when the
3 police advised us that for safety reasons -- and I want
4 to make sure I do the right years. At the end of the
5 2011 festival they had advised us that we had outgrown
6 the space that was available in the Everson Plaza, and
7 we were very nervous about continuing to use -- the
8 Everson has a lot of beautiful fountains, but we were
9 terrified that some child was going to wind up
10 unattended in a fountain.

11 Q Okay.

12 A So we were happy to be moving. And at
13 that point the flag raising event was separated from the
14 parade itself.

15 Q Gotcha.

16 A Previously it had been up goes the flag,
17 the public officials make a few comments and then the
18 parade over to the Everson.

19 Q Okay. Okay. Got it. All right. So why
20 don't you give me a little background on CNY Pride. Who
21 are they and what do they do?

22 A It's a registered nonprofit organization,
23 501(c)(3). It has existed both as an unincorporated
24 entity and as an incorporated entity for the better part
25 of 20 years. I couldn't tell you exactly when. Small

1 agency. No paid staff. The whole thing runs on less
2 than 30 grand a year.

3 Q Okay. So what's -- what's CNY Pride's
4 purpose?

5 A Public education. As far as political
6 issues are concerned, obviously as a 501(c)(3) we don't
7 do lobbying. The main event that we hold is the annual
8 Pride Festival. There would be various other events
9 through the year. Some of them might be cultural. We
10 do have -- do -- did -- still -- they still do have
11 quite a bit of involvement with local churches.

12 Q Okay. Okay. And so what's their --
13 what's CNY Pride's goal?

14 A What's our goal? Well, obviously harmony
15 and acceptance of people regardless of their sexual
16 orientation and a greater understanding both of gays by
17 straights and straights by gays. So --

18 Q Okay. Okay. So what's -- what's --
19 could you give a little more detail on CNY Pride's
20 history? I know you mentioned it's been around for 20
21 years. What's kind of been its history?

22 A Well, I wasn't involved before 2010 so I
23 really can't speak to before then. And pretty much I
24 just told you. I mean, that's what we were doing while
25 I was involved.

1 Q Gotcha. Okay. Okay. So what's CNY
2 Pride's relationship with the community like?

3 A I think it's pretty good. It's very
4 heartening to find churches and community organizations
5 that if a person were to put on ideological blinders,
6 they might expect a very hostile reception, and in fact
7 that hasn't been the case.

8 I know in my case, while I was chairing
9 the -- the parade, I always found that their assistance
10 that I got from the police department absolutely belied
11 the -- the stereotypes that a lot of people had of
12 police officers.

13 Q Okay. Okay. So I guess would you
14 describe CNY Pride's relation with the police as a very
15 positive one?

16 MR. LONG: I'm going to object to
17 form.

18 A Clarify that.

19 Q Yeah. I just -- you were describing the
20 relationship with the police. You said it wasn't -- it
21 wasn't stereotypical.

22 So I guess -- I guess my question is:
23 What's CNY Pride's relationship with the police like?
24 Is it positive? Is it negative? What's the
25 relationship like there?

SHEPARD - MANGINI

1 A Well, I --

2 MS. HARRINGTON: Form.

3 MR. LONG: Still object to form.

4 THE WITNESS: Am I -- what am I
5 supposed to do here?

6 MS. HARRINGTON: You can still
7 answer.

8 THE WITNESS: Oh, okay.

9 A I can't speak to what it is now because
10 I'm not a member of the board.

11 EXAMINATION BY MR. MANGINI:

12 Q Okay.

13 A I found that they were extraordinarily
14 helpful. I mean, folks that I knew that had worked on
15 other festivals also found them to be very helpful. I
16 mean, we're -- we kind of have this nickname in Syracuse
17 of being a City of Festivals because that Plaza, you
18 know, from Memorial Day till Columbus Day is just --
19 there's something in it every -- every weekend.

20 So these people have a lot of expertise.
21 They would offer helpful advice. You know, they're
22 there to provide for public safety, and our need to make
23 sure that everybody is safe, you know, is paramount. I
24 mean, we can't very well recklessly conduct an event and
25 go ah, so you're drunk, so what, drive your car, et

1 cetera, et cetera.

2 Q Right. Okay. Yeah. Yeah. So I know
3 you mentioned obviously the -- you mentioned the CNY
4 Pride Festival is the biggest event?

5 A Yeah.

6 Q What other activities does CNY Pride
7 engage in?

8 A There's an interfaith service that's held
9 every year. We normally have various fundraising events
10 which go towards running the festival in June, but the
11 fundraising events could take the form of films. We
12 had/they have a very good relationship with two of the
13 art galleries in town.

14 What else? Obviously the gay-owned
15 businesses. I mean, I shouldn't, you know, pause
16 without saying that the lesbian and gay-owned
17 businesses, you know, obviously have a real enlightened
18 self-interest in seeing that the festival is successful
19 but also that there's activity throughout the year
20 because, after all, they are business people and they
21 need traffic too.

22 Q Right. Right. Okay. So let me get --
23 tell me a little bit about the interfaith service.

24 A Well, it rotates from sponsoring
25 religious organization to religious organization.

1 There's -- what else is there to say? A group of clergy
2 people create the order of the service.

3 Obviously, you know, when something is
4 interdenominational, there might be rubrics that are
5 fine in one denomination that aren't in another, so they
6 work out the commonalty of the prayers and the hymns and
7 the lessons.

8 Q Okay. Okay. So they have prayers, hymns
9 and lessons in this interfaith service?

10 A Yeah, yeah.

11 Q Okay. Okay. All right. So tell me a
12 little bit about the history of the Pride Festival
13 itself. How long has that been going on?

14 A In excess -- in one form or another it's
15 been in existence for more than -- it's more than 25
16 years.

17 Q Okay.

18 A Now, at times -- I mean, it started out
19 as a rally.

20 Q Okay.

21 A It evolved into a festival I'm going to
22 say in the early '90s. I could be wrong about my dates.

23 Q Okay.

24 A But it's -- for example, in its present
25 form there is -- there are a large number of

1 businesses -- and they could be insurance agencies, they
2 could be home improvement, they could be any variety of
3 businesses that are there to, you know, show -- strut
4 their stuff for the 4,000 people that come in and out of
5 the festival.

6 Q Gotcha.

7 A There's also a large number of
8 informational booths by nonprofit organizations and that
9 can run the gamut from AIDS activism all the way over to
10 five or six churches that always are there looking to
11 recruit new members to their congregation.

12 There would be another row of food
13 vendors. I'm trying to -- we run a tent that's strictly
14 regulated as far as beer and wine cooler sales. And
15 then there's two stages for entertainment and the --
16 what's their name? It's a nonprofit in Cortland runs a
17 children's booth. It's not a booth, it's a play area
18 for the children. And like we would have, you know,
19 like a blow-up tent and coloring and story time and, you
20 know, just -- what a children's area looks like at any
21 other festival.

22 Q Gotcha. Okay. Okay. Yeah. That
23 definitely gives me a good idea of what goes on there.

24 What -- what kind of entertainment do you
25 all have on those stages?

SHEPARD - MANGINI

1 A Music.

2 Q Okay. Is it just music?

3 A Well, no. Music, comedy. I think we had
4 a dance troupe one year. But, you know, not unlike like
5 when the Polish Festival is held the week before us,
6 their stuff is all music. A couple of presentation -- a
7 couple of presentations where we might provide
8 acknowledgment of someone who's done an extraordinary
9 job. The grand marshals of the parade might say a few
10 words. Usually the grand marshals are recognized at the
11 flag raising ceremony also.

12 Q Okay. Okay. So who -- who attends the
13 festival?

14 A Four to five thousand people.

15 Q Okay. Is it just open to the public?

16 A Yes.

17 Q Okay. Got it. So where -- where is the
18 festival held? Where has it been held in the past?

19 A Well, like I told you before, it was held
20 for many years at the Everson Plaza, which is on State
21 Street in downtown Syracuse. It was moved in 2012 to
22 the Lakeview Amphitheater Park, which is at the corner
23 of Van Rensselaer and Kirkpatrick Streets.

24 Q Okay. Okay. So is that -- is that Inner
25 Harbor?

SHEPARD - MANGINI

1 A It's in the Inner Harbor neighborhood,
2 yeah.

3 Q Gotcha. Okay. Okay. So what kind of
4 things does CNY Pride have to do in order to hold the
5 festival?

6 A Recruit a hell of a lot of volunteers.
7 Obviously we have to provide, you know, all the proofs
8 of insurance. There's a fair amount of hoops that we
9 have to jump through for our liquor license. Try and
10 arrange with bartenders who are professionals to staff
11 the -- the booth that we run. And the three -- well,
12 sometimes it's three, sometimes it's as many as five,
13 establishments that cater to a lesbian or gay clientele
14 provide volunteers for that. We would do -- we would
15 have to have people there to check IDs. What else?

16 Oh, gosh. Work with the Parks
17 Department. They help us as far as all the physical
18 arrangements. The police department approves the route
19 for the parade. I remember one year the fire
20 departments talked to the police and they wanted to, at
21 the last minute, change the route because all of a
22 sudden State DOT needed to have some off-ramps and
23 on-ramps available for construction equipment. And so,
24 you know, you work with those types of things as they
25 come along.

1 Q Gotcha. Okay. So what's your
2 understanding of how the permit process works?

3 MR. LONG: Object to the form.

4 MS. HARRINGTON: Form.

5 A I'm not a professional. I mean, I know I
6 submit an application.

7 Q Right.

8 A And it goes through numerous agencies --
9 or desks and agencies of local government. Beyond that,
10 I mean --

11 Q Okay.

12 A You know, there's --

13 Q Yeah.

14 A -- supporting stuff that we need to
15 produce. What they're looking for in it, I mean, I'm
16 not a lawyer, I don't know.

17 Q Right. Right. I guess really what
18 I'm -- I'm more looking at is, from your perspective,
19 who do you have to send forms to, what are those forms
20 and that kind of thing?

21 A It changed a couple of years ago. The
22 Mayor -- the Mayor's office streamlined the process so
23 that instead of addressing this to like having to have
24 four concurrent conversations, you would send it in to
25 one place -- there's a central permit office now -- and

1 then they would run it from there around to police,
2 fire, DPW, parks, et cetera.

3 I mean, I could not tell you the number
4 of entities that do it, but, I mean, it's just like
5 anything else. In order for several thousand people to
6 gather safely, there's a lot of people that have to make
7 sure that X, Y and Z are done.

8 Q Got it. Got it. No, no, no, that makes
9 sense.

10 So when did that change occur? What --
11 sorry. Let me -- let me elaborate. The change
12 regarding before you had to -- you had to personally
13 send out forms to a bunch of different offices and now
14 it got streamlined, when did that streamlining occur?

15 MR. LONG: I'm going to -- I'm going
16 to object to form.

17 A Again, I'm going to -- I'm going to guess
18 '13 or '14. I really don't recall exactly.

19 Q Okay.

20 A Okay.

21 Q Okay. So what kind of relationship does
22 CNY Pride have with the City?

23 MR. LONG: Object to form.

24 MS. HARRINGTON: Form.

25 A I've already answered you, haven't I?

1 Police, fire. I mean, I think I have, yeah.

2 Q Okay. Well, I know we talked about
3 the -- I know we talked about the police specifically,
4 but I guess -- I guess really more with like, I guess,
5 central permitting office, that kind of thing. The
6 people you're in the -- in communication with regarding
7 permits and stuff.

8 A Hey, I'm a civil servant, you know. I
9 mean, these are -- these are people that work really
10 hard and have to deal with many different people with
11 all sorts of interests and I have a great deal of
12 respect for them.

13 Q Okay. Okay. So do CNY Pride and the
14 City kind of collaborate on the festival and how it's
15 going -- how it's going to run?

16 MR. LONG: Object to form.

17 A No, not really. I mean -- well, with the
18 exception of the mechanics of electricity and stuff like
19 that from the Parks Department. I mean, that's really,
20 you know, nuts-and-boltsy stuff. But the rest of it, I
21 mean, they're regulating us. You know, if they ask for
22 something from us, we've got to do it.

23 Q Right. Have they have asked you for any
24 specific stuff?

25 MR. LONG: Object.

1 A I think I've already answered that.
2 There's -- those forms have to be produced.

3 Q Right.

4 A Our insurance. No, that was the State
5 Liquor Board that asked for something. I think they
6 wanted a list of who was working one year.

7 Q Gotcha. Okay. Okay. Does CNY Pride
8 have meetings with representatives from the City to
9 discuss the festival and how it's going to -- how it's
10 going to play out?

11 MR. LONG: Object to form.

12 A Whoever -- I mean, meetings as far as hi,
13 here's our forms. Are they correct? If they're not
14 correct, we get them back, we have to resubmit them.
15 But meetings -- define meetings, I guess. I mean --

16 Q Yeah. I would just think -- I think I'm
17 asking for an in-person -- an in-person meeting where
18 yourself or some -- another individual from CNY Pride
19 talked to the City about the permits, saying hey, is
20 this all we need? What do we need in order to do this?
21 That kind of thing.

22 A A lot of this is done -- with the
23 exception of the Parks Department and the nuts and bolts
24 as far as ordering the -- you know, the street
25 barricades and the electrical needs and what have you, a

SHEPARD - MANGINI

1 lot of this was done over the phone.

2 Q Okay. Okay. Yeah, yeah, that makes
3 sense.

4 And who -- who would be on the phone in
5 those conversations?

6 MR. LONG: Object to form.

7 A From CNY Pride?

8 Q Both -- both parties. From the CNY Pride
9 and/or the City.

10 A I could not give you a list. There was
11 a -- what was his name? There was a Sergeant who
12 retired two, three years ago who had -- he was like the
13 public liaison for the police department for a number of
14 years. He was awesome. And, of course, naturally, I
15 can't remember his name now, three years later.

16 The Deputy Commissioner of the Parks
17 Department, Beth -- Beth -- Beth -- oh, my God. This is
18 the joy of when you're closing on 60 I might add so --
19 anyway. So you had that Sergeant from the police
20 department for quite a few years, but he did retire.
21 There was another liaison after him. There was the same
22 liaison certainly for all the years that I was involved
23 from the Parks Department.

24 Permitting, that -- that changed several
25 times over the course of the years. Police. We would

1 have -- occasionally we'd have a chat with the fire
2 department.

3 After we went to the Rochester Pride
4 Festival, there was -- I'm going to -- forgive me. I'm
5 not sure about the dates. I know this is going make for
6 craziness. There was a spike in Syracuse of illegal
7 drug use called bath salts and it was really terrifying
8 and we were concerned. We had heard that the Rochester
9 Pride Organization had medical staff right there at
10 their festival.

11 We had talked to the fire department
12 because, you know, they have an emergency squad as well
13 as the private ambulance company, and, of course,
14 getting a private ambulance company was prohibited. And
15 like I said to you earlier, we are a small nonprofit
16 that just -- you know, two nickels (gesturing).

17 Q Yeah.

18 A But we did arrange with -- through I'm
19 reasonably certain it was the fire department -- I don't
20 believe it was 911 because that's a County agency --
21 that there would be somebody on standby throughout the
22 day because it really -- I mean, it -- the -- I know
23 you're not local but the volume of these foolish people
24 using this stuff and keeling over, bizarre incidents.

25 We were very concerned for everyone's

1 safety that if anything like that were to happen that we
2 would be prepared to, you know, obviously first and
3 foremost, maintain safety but, you know, also public
4 order, you know, if somebody were to really come
5 unhinged.

6 Q Right. Okay. That was the other
7 question I had.

8 Regarding -- you mentioned the
9 individuals from the Parks Department and from the --

10 A Uh-huh.

11 Q -- occasionally the fire department and
12 police department. Who would be on the other side of
13 those telephone calls?

14 A Oh, yeah, you did ask that.

15 MS. HARRINGTON: Object to form.

16 Sorry. Go ahead.

17 A There would be various volunteers from
18 Pride that would make those liaisons. Dr. Carter, who
19 was the chair, would do a lot of that work. I did some
20 of it because usually -- Jayme Martin also. Jayme did
21 the nuts and bolts of the festival and the -- the booths
22 at the festival, which meant that he would have a lot of
23 conversations with the Parks Department.

24 Q Okay. Okay.

25 A There were others as well. I mean,

1 again, it's a volunteer organization and if -- if I'm
2 heavy at my day job, somebody else is -- you know, I'm
3 not going to be one of the ones making those phone calls
4 because, you know, I've got a job to do.

5 Q Yeah.

6 A As does each of those persons. You know,
7 if -- there's no paid staff, so --

8 Q Right. Right. Okay. Going to,
9 actually, a little before that.

10 What's your understanding of what the
11 affect of the permit is?

12 MS. HARRINGTON: Object to form.

13 MR. LONG: Object to form.

14 A I'm not -- all I can say is I know we had
15 to have one, and that we had the use of a designated
16 area. You know, I mean, when -- when the Irish Festival
17 is held the weekend after Labor Day, it means that
18 they're in Clinton Plaza and other groups that you might
19 find there, you know, just like skateboarding and what
20 have you, that all that sort of stuff would be set aside
21 for that designated amount of time because it was being
22 permitted to the organization that was doing it.

23 MR. MANGINI: Okay. Okay. All
24 right. I have a document here I'd like
25 you to take a look at. Could we label

1 this -- sorry -- Exhibit 1.

2 (Whereupon Exhibit No. 1 was marked for
3 identification, 5/2/17, EAB)

4 EXAMINATION BY MR. MANGINI:

5 Q So if you could take a look at that and
6 tell me -- tell me what that is.

7 A It's a memo from myself to -- oh,
8 Sergeant Naylor. Okay. To Sergeant Naylor; Mary Beth
9 Roach, from the Parks Department; Sam White, who -- what
10 year is this? -- in 2014 was in the permitting office.

11 Q Okay. So what's -- can you recall what's
12 the context of this e-mail?

13 A This -- this was the fire department's
14 recommendation based on a request from a DOT agency -- I
15 don't know whether it was State or County -- that we
16 move a piece of the parade that year. There was
17 construction over here on 690 West and they needed some
18 of the adjacent streets that are just below 690.

19 Q Gotcha. Okay. And so maybe we could
20 re-cover this. Who are these individuals you sent it
21 to? I know -- I know you mentioned Mary Beth Roach,
22 who's from the Parks Department. Patrick Naylor, who's
23 Patrick Naylor again?

24 A He was the -- like I said, he was the
25 Sergeant at the police department. Sam White, at the

1 time, was the permitting guy. Bruce Carter was the
2 president. Jayme Martin, as I mentioned before, was
3 responsible for the festival itself, not so much for the
4 parade. Pat Kehoe at the time was the Board's
5 secretary.

6 Q Okay. And when you say Bruce Carter was
7 president, you mean president of CNY Pride?

8 A Yes.

9 Q Okay. Got it. Got it. Okay. So why --
10 why did you send it to these individuals?

11 A Isn't it obvious?

12 Q I could say yes but I think we're --
13 it's -- this is for the record.

14 A Well, it's all in the second -- in the
15 second paragraph. Sam White and I have discussed moving
16 the step-off location one block... blah, blah, blah,
17 blah, blah.

18 Q Okay. Okay. All right. So let me see
19 here. Tell me about this -- this third paragraph here.
20 What's -- what's that -- what's that about?

21 A We moved --

22 MS. HARRINGTON: Object to form.

23 All right. Continue.

24 A I mean, this -- it is what it says it is.
25 The City Parks Department wanted us to have added

1 security there. I believe that was the year that we
2 moved ID'ing people right down to that -- it's not a
3 gate because the place is only partially fenced off, but
4 they want -- I mean, they -- I'm trying to think.

5 We hired six -- this was the year we
6 hired four or six people to help us with ID'ing. There
7 was something about the north entrance to the park. I
8 don't remember what -- what it was exactly, but the long
9 and the short of this is, we never hired that
10 organization again.

11 Q Okay. So here it mentions -- the end
12 here, it says, "per a request from the City Parks
13 Department."

14 A Uh-huh.

15 Q What was that request?

16 A The one you just asked me about, for
17 extra -- for extra help. They wanted extra people there
18 doing security, and that included -- maybe you didn't
19 just ask me about that. Forgive me. They wanted extra
20 help to make sure that we were ID'ing and crowd control.

21 Q Okay. And what -- what was -- what's the
22 ID'ing for?

23 A For selling alcoholic beverages. We have
24 to make sure people are of age.

25 Q Gotcha. Okay. Okay. Got it. Okay. So

1 here, this -- the first sentence of this paragraph,
2 "This should leave unchanged our request for use of the
3 sidewalks at the end of the route surrounding...", et
4 cetera, et cetera. What was that request?

5 A Your client had created several
6 disruptive situations and we wanted to -- for the sake
7 of avoiding confrontations, we didn't want to have -- I
8 mean, I know in one case he got virtually surrounded --
9 not completely, but virtually surrounded -- by a bunch
10 of drag queens who were, you know, really into his face
11 about, you know, his views.

12 He's got as much right to offer his views
13 on the subject of civil rights for lesbians and gay men
14 as I do or as anybody in this room does. But it was --
15 we had felt from several other incidents, which I can
16 detail at some point, that we needed some space provided
17 so that this -- so that this nonsense didn't turn into a
18 brawl because, as I'm sure anybody can tell you, it's
19 pretty easy for people to get over-caffeinated and the
20 next thing you know a punch gets thrown and all hell
21 breaks loose.

22 That had happened during the Spanish
23 festival a couple of years ago and, man, all -- I mean,
24 it was terrible. And all that work that those
25 volunteers had done went right into the toilet because

1 15 or 20 people started brawling. We wanted nothing to
2 do with that sort of a situation, so that's why that was
3 requested.

4 Q Okay. And could you kind of elaborate
5 for me? You mentioned some incidents with Mr. Deferio.
6 What were those incidents?

7 A My first year, which would have been '12,
8 he arrived with a bullhorn to try and shout down the
9 Mayor and the City Clerk and a couple of other
10 dignitaries at the flag raising event which is held in a
11 cul-de-sac that's in front of our city hall. He was
12 requested by the police to move across the street, I
13 think. In any event, he was cooperative.

14 Q Okay.

15 A Beyond that, let's see, in 2000 and --
16 approximately 2013 he broke through the barricades and
17 was out in the middle of the parade route, and Bruce --
18 Dr. Carter and I had to kind of flag down a police
19 officer to make sure that he wasn't there because he was
20 accosting -- like I say, if the first -- if he's in the
21 middle of the route and here comes St. Andrew's church,
22 he's there giving them grief.

23 Nobody is supposed to be out in the
24 middle of a parade route during a parade. There was one
25 very unpleasant experience that I personally had with

1 him where he was harassing the churchgoers when we held
2 the interfaith service. And admittedly, I mean, my
3 religious background is you're supposed to turn the
4 other cheek and I was not in the mood to turn the other
5 cheek. At that moment a friend of mine, who was handing
6 out the bulletins at the church door, came down the
7 steps and removed me from the scene because I was aghast
8 to find that level of political goings-on taking place
9 at a church service.

10 Anecdotally, I understand that your
11 client has also had the same type of situation occur,
12 brought on by him in front of the Roman Catholic
13 Cathedral downtown. So this is not -- I mean, because
14 of these sorts of events, we really wanted to be certain
15 that as much bumper was there to let him do his thing
16 but to not have people getting on him and not giving him
17 the opportunity, as he did when he broke through the
18 barricades, to be accosting people who had every right
19 to be there.

20 Q Okay. Okay. So in this bold paragraph,
21 the fourth paragraph --

22 A Yeah.

23 Q -- you're requesting some guidance from
24 SPD and Sergeant Naylor. What's that about?

25 MR. LONG: Object to the form.

1 A Well, we were -- like we've discussed,
2 the entire e-mail was a last minute change five days
3 before the parade with the route and I wanted to make
4 sure that in moving it -- I think -- let me just look
5 for a second.

6 Yeah. We were reversing the order -- the
7 direction, rather, of the parade and I just wanted to
8 make sure that the police were thoroughly cool with what
9 they wanted -- what they were going to have us do.
10 Where is it?

11 In the paragraph right after the one that
12 you just mentioned, my concern was this is a mixed use
13 neighborhood and there were several residential homes
14 and I just wanted the police to tell us, you know, how
15 do we proceed correctly? Mainly because, I mean,
16 they're residential homes. If they need to get out of
17 their driveway, let's make sure that we know what our
18 instructions are so that we can follow them to the
19 letter.

20 Q Got it. Got it. That makes sense.
21 Okay. And then -- so I guess just as -- just to confirm
22 with this -- this kind of last full paragraph here that
23 starts, "Let me also mention..." And you mention --

24 A Yeah.

25 Q -- something that happened in 2012,

1 protestors intruding on the parade route. What was --
2 what was that in reference to?

3 A That was what we just -- what I just
4 discussed with you.

5 Q Okay. Okay. With Mr. Deferio?

6 A Yes.

7 Q Got it. Got it. Okay. So what do -- so
8 I guess -- I know you're referring to Mr. Deferio
9 particularly, but what do mean when you use the word
10 "protesters" generally?

11 A They're protesters.

12 Q Right. Right. I guess --

13 A Be more specific. I mean, a protestor is
14 a protestor. I've protested.

15 Q Right.

16 A I mean --

17 Q So what's your -- I guess what would be
18 your understanding of what a protestor is?

19 A I'm not going to answer that because I'm
20 really not sure. There must be a legal definition of
21 it. What's my personal understanding as a layman?

22 Q Yeah.

23 A It's somebody that is probably holding a
24 view contrary to whatever that gathering is about. I
25 mean, let's take your clients going after people going

1 into the Catholic Cathedral. I don't know what his --
2 his bone of contention was, but I'm sure that those
3 ladies who were -- as I understood it -- and, again,
4 this is secondhand, I wasn't there.

5 I will say perhaps I'm painting with a
6 broad brush, but the way I heard it, he was criticizing
7 these ladies for their mode of dress going into a church
8 on a summer afternoon. I don't know how long that would
9 last if I was married to a woman and he was going after
10 my wife, but that would be certainly what somebody would
11 call a protestor or, more directly, a harasser.

12 Q Okay. Okay. All right. So I guess
13 outside the context of the CNY Pride Festival --

14 A Yes.

15 Q -- have you had any other kind of prior
16 history or understanding about Mr. Deferio?

17 A He was a regular. He was pointed out --
18 I shouldn't say that. Let me go back. He was pointed
19 out to me as a regular at protests up at the Planned
20 Parenthood Health Center on Genesee Street. My
21 involvement with Planned Parenthood generally -- my
22 involvement with Planned Parenthood never included any
23 type of safety or security work so I'm not really
24 qualified, but he was mentioned to me in that regard.

25 Q Okay. Do you recall what -- what was

1 mentioned about him?

2 A Well, it's pretty obvious. I mean, the
3 Center and Dr. Yoffa had had people come in and
4 vandalize their property and scare the living daylights
5 out of patients. And obviously when you have those
6 sorts of things happen in a doctor's office, you want to
7 be darn sure that you know who you're looking for. What
8 else is there to say?

9 And that's really different from, you
10 know, somebody that's, you know, going back and forth
11 with a sign. The -- the year -- the last year we were
12 at the Everson there was a whole bunch of folks dressed
13 up like a liturgical party -- probably like a liturgical
14 party, a high church; Lutheran, Episcopalian, Roman
15 Catholic -- across the barriers, just quietly there, you
16 know.

17 So, yeah, that's a protester but it's
18 entirely different from breaking through a barrier and
19 getting out in the middle of a parade route or accosting
20 people when they're trying to attend a house of worship.

21 Q Okay. So, actually, backing up a little
22 bit.

23 A Sure.

24 Q I guess the 2013 incident you mentioned
25 with Mr. Deferio where he got on a parade route --

SHEPARD - MANGINI

1 A Yes.

2 Q Okay. When you say the parade route, was
3 that like the street or the sidewalk or what was it?

4 A The street.

5 MR. MANGINI: Okay. Okay. Before
6 you take a look at this one labeled
7 Exhibit 2 -- mark that.

8 (A discussion was held off the record.)

9 (Whereupon Exhibit No. 2 was marked for
10 identification, 5/2/17, EAB)

11 A Give me a hint as to what year this is.
12 Isn't that odd? It's -- I'm going to guess that this is
13 from --

14 MS. HARRINGTON: Was there a
15 question pending? Sorry. Just -- oh,
16 okay.

17 THE WITNESS: He asked me what
18 this --

19 MR. MANGINI: Yeah. Yeah. Okay.

20 THE WITNESS: -- thing that is now
21 labeled as Number 2 is.

22 A And it appears -- oh, there it is. It's
23 an application for the parade in '13.

24 EXAMINATION BY MR. MANGINI:

25 Q Okay. Okay.

1 A Is this the one -- I'm asking myself a
2 question.

3 Q Okay. So what -- what are you -- you
4 filled this out; correct?

5 A Yes.

6 Q Okay. So what were you requesting with
7 this document?

8 A It was the form that was required to
9 apply for a permit for the parade that year.

10 Q Okay. Okay. So down here at location of
11 assembly, where it mentions sidewalks, what's -- what
12 are you requesting for right there?

13 A We've discussed this already. Those are
14 the entrances to the park -- that is the entrance to the
15 park where we would check IDs and give people one
16 colored wristband or another.

17 Q Okay. Okay. Okay. So it says for
18 security you're referring to the -- you're referring to
19 that ID process?

20 A Uh-huh.

21 Q Okay. Okay.

22 A Oh, that's a yes. Sorry.

23 Q Okay. So, also, I notice something down
24 here, right below that, where it says "sound systems,"
25 what's going on there?

1 MS. HARRINGTON: Objection to form.

2 A I'm not sure. It looks like I crossed it
3 out. Well, it looks like I initially thought I was
4 referring to what we were producing in the way of noise
5 and music, but I correct -- I didn't initial it. I
6 assume it's me but there's no initials. It was
7 corrected that in fact I was -- it would appear that I
8 was speaking about we weren't going to put any speakers
9 or anything else out on the sidewalks and we didn't
10 expect anyone else too either.

11 Q Okay. Okay. So I guess following up on
12 that, that statement right after no speakers at
13 sidewalks --

14 A Uh-huh.

15 Q -- you're -- you're referring to you
16 don't -- you don't expect anybody to be speaking there?

17 MR. LONG: Object to the form.

18 A No. I'm talking about -- I'm guessing
19 that what I'm referring to here is we're talking about
20 amplification equipment, that we weren't going to do
21 any. That entrance -- yeah, that we weren't going to do
22 any and we didn't want anything -- you know, it's put --
23 you got eight or ten people checking IDs and answering
24 questions. We don't want any noise placed over the top
25 of that to make things more confusing. So that's what I

1 would think I was referring to.

2 I'm a little hazy about this because I'm
3 wondering why I started out talking about our music and
4 what have you, which would be at another part of the
5 premises.

6 Q Gotcha. Okay.

7 A I'm also not sure if this is the year --
8 no, it's not. Erase that. It's - there was a year
9 where the -- where, again, the parade had to be
10 considerably retooled at the very last minute, but
11 that's not this (indicating), so --

12 Q Okay. Okay. So if you could turn to the
13 last page of that Exhibit 2.

14 A Yeah.

15 Q So right here where I guess -- I guess
16 you're giving -- is this just a kind of description for
17 -- of what you're requesting?

18 A Yeah. You had to submit somewhere -- I'm
19 pretty sure you had to submit the -- similar to your
20 Exhibit 1, where I described it.

21 Q Yeah.

22 A In this case, I mapped it.

23 Q Okay. Okay. And so right here where it
24 says "Note: Sidewalk area on north across from parks
25 facility needed for security," that's -- that's --

SHEPARD - MANGINI

1 A That's what we just talked about.

2 Q Got it. Got it. Okay. Okay. So what
3 was your understanding of what was -- what was granted
4 to you for -- for that year?

5 MR. LONG: Object to form.

6 A I think I just answered that about ten
7 minutes ago before I went downstairs.

8 The same as anybody else. You're
9 applying for the use of a public park. It's a public
10 park so you can't charge admission, and you have the use
11 of it based on obeying certain parameters for the time
12 period that you've asked that -- that the City or its
13 agencies approved for you.

14 Q Okay. So what happened at the -- at the
15 2014 festival?

16 MS. HARRINGTON: Object to form.

17 A Be more specific.

18 Q Yeah. If you could just kind of give a
19 summary of how the festival went, if anything happened,
20 you know.

21 MR. LONG: Object to form.

22 MS. HARRINGTON: Object to form.

23 A Which one was '14. I'm guessing. Well,
24 this is '14. Okay. Nothing comes to mind.

25 Q Okay. Okay.

1 A '15 was my last year doing this. '14
2 there was a -- I think I mentioned this earlier today.
3 There was a group of people. Tim Erwin was -- is a --
4 was an entertainer. He has since moved to another
5 state. And Tim was down there debating with your --
6 your client. But Tim, frankly, can be pretty
7 undiplomatic.

8 And I remember, I mean, you know, there's
9 a million things you do that day and it covers the gamut
10 of preparing the bank deposits to washing out the
11 toilets. And believe me it really does cover the
12 toilets because they're rented and I don't want to have
13 to pay extra. I was the treasurer at the time.

14 So anyway, Tim was -- Tim and Mr. Deferio
15 were, you know, just back and forth and back and forth,
16 and Tim had a couple of his little followers that were
17 kind of egging him on. And I just went over and I said,
18 you know, "Please, we're here to have a good time, we're
19 not here to engage in a pointless debate. People have
20 diametrically opposed opinions to this. He's entitled
21 to speak his piece. There's no need for you to sour up
22 the -- you know, the event with, you know, a lot of crap
23 and I sure don't want anything to be happening where
24 you're really physically getting in his face. Do you
25 understand me, Tim?" Because sometimes you really had

1 to get in Tim's face in order for him to understand that
2 you weren't just blowing smoke up his shorts, you know.

3 Q Okay. And so where was all this
4 occurring, specifically?

5 A Just up the -- as I have asked for
6 before, it was happening in the area that I specifically
7 had asked for so this kind of stuff wasn't happening.

8 Q Okay. Okay. So it was the sidewalks on
9 the north side of --

10 A The very ones that I wanted as a security
11 area, yeah.

12 Q Got it. Got it. So what happened after
13 that?

14 A Frankly, I was so busy I don't know.

15 Q Okay. Okay. Do you recall having any
16 interaction between yourself and any police officers and
17 Mr. Deferio?

18 MR. LONG: Object to form.

19 MS. HARRINGTON: Form.

20 A Well, I certainly had interactions with
21 the police officers throughout the day. You find people
22 that are getting way too tipsy. We cut them off but if
23 they're really, you know -- what's the word I'm looking
24 for -- obstreperous, obnoxious. We had to -- one guy
25 was restrained but not arrested. This has nothing to do

1 with Mr. Deferio, you know. I mean, that kind of -- you
2 know, make sure the cops get something to drink.

3 We provide them, you know, with a
4 sandwich or what have you. Yeah, they're getting paid
5 by us to be there, but, you know, I mean, this is a
6 small town and we're neighbors and, you know, we -- it's
7 not like we're not going to run into each other at
8 Wegmans, you know. So you just kind of make sure that
9 the people are getting along.

10 Q Gotcha. Okay. Do you recall speaking to
11 police about Mr. Deferio specifically?

12 A Are you kidding? Dude, I start that day
13 at 6:00 a.m. and end it at about 11:00. I may. I mean,
14 I don't know. I don't know.

15 Q Okay. That's fine. Other than the
16 conversation with Mr. Tim --

17 A Tim, yeah.

18 Q -- do you recall having any interaction
19 with Mr. Deferio that day?

20 A Nothing comes to mind. It's not to say I
21 did or I didn't but nothing comes to mind.

22 Q Gotcha. Okay. Okay. Do you -- do you
23 recall what Mr. Deferio was doing that day?

24 A Well, he would be -- I could tell you
25 where he was located. It would have been just north of

1 the entrance to the park. It would be the area that,
2 when we begin breaking things down, becomes where we put
3 everything for the DPW to pick up.

4 Did you ask me what was he doing? What
5 did I say?

6 Q Yes. What was he doing?

7 A Well, he was, you know, letting forth his
8 opinions on how awful all of us were and he --
9 apparently, I get the impression from the signage that
10 he carries around with him, that he's a literal
11 translator of the bible. I'm a mainstream Protestant,
12 we don't look at things that way, but that doesn't mean
13 we all have to, you know, smack each other around about
14 it.

15 And, you know, he was just speaking
16 loudly and generating these comments which might result
17 in snide comments, might -- some of the younger folks --
18 occasionally, you know, occasionally, we would get folks
19 who show up maybe with a mom or a dad and they're like,
20 you know, a young high school kid and the parent is
21 trying to be supportive while the child finds their
22 own -- you know, their own identity.

23 And that's certainly not -- I mean, it
24 wasn't the main thing that goes on at the Pride Festival
25 but it's certainly not unheard of either. And that

1 would lead -- I remember one parent taking their
2 daughter aside and explaining the differences in opinion
3 and that, yes, we all believe in freedom of speech and
4 even though we don't agree with what he's saying, he
5 certainly has a right to say it.

6 Q Okay. So after the 2014 festival,
7 leading up to the 2015 festival, did you or CNY Pride
8 have any correspondence with the City about the 2015
9 festival?

10 MR. LONG: Object to form. I
11 apologize for interrupting.

12 A Well, we'd have the normal correspondence
13 to get things started the following year, and among the
14 vendors and volunteers we would invite comments as to
15 how to improve the festival. That normally would be
16 done July/August so that it was reasonably fresh in
17 people's memories. But that's kind of the -- the normal
18 calendar. You know, just as there's a ton of
19 preparation work in the spring leading up to it, there's
20 some -- what's the word I'm looking for -- some
21 debriefing that takes place afterwards. Yeah.

22 Q Okay. Okay. So what kind of -- what
23 kind of things do you recall discussing at that
24 debriefing?

25 A God. Everything from -- what was the

1 barbecue place? We wanted them to make sure that they
2 were provided some type of barrier between their pork
3 cooker and anybody walking by because Pete Bailey burned
4 his hand on their pork cooker because he tripped on
5 the -- the cobble -- not cobble stones, the granite
6 curbing. Pete was real good about it. I mean, I was
7 scared that either we or the City or someone was going
8 to wind up, you know, getting the bill for the medical
9 attention to his hand, but he was fine.

10 So there would be stuff like that. There
11 would be kind of an inventory of how much equipment we
12 use to see where we needed more or we could save and
13 rent less. Most of the stuff that's there is -- we rent
14 from -- I'm using "we" generically because at that time
15 it was we. I'm not a part of it now.

16 Q Right.

17 A So you'd have that type of conversation.
18 '14. I know we had a major blowup with one of the
19 artists because, you know, we made it really clear that
20 this is not Friday night at the bars, this is to some
21 extent a family festival and we don't want people
22 throwing F bombs from the stage. And she got up there
23 and, you know, totally unacceptable. So that was an
24 item of the day after '14.

25 What year did we have the

1 Barbara Streisand guy? Was that '14? We had some --
2 some difficulties with one of the artists -- I'm pretty
3 sure that was '14 -- that were reviewed. I mean, this
4 must sound terribly exciting because that is what I'm
5 sure that, you know, when -- you know, when the Italian
6 festival is held in September, they probably go through
7 the same thing the week after it.

8 Q Gotcha. Okay. Do you remember having
9 any discussion during that debriefing about Mr. Deferio?

10 A In 2014?

11 Q Yes.

12 A Not offhand. He was definitely a topic
13 of discussion the year before because of him breaking
14 through the barricades. And, yeah, because '14 -- in my
15 memory, '14 was reasonable quiet. Mr. Deferio was, in
16 my opinion, extremely boisterous and noncooperative in
17 2015, but '14 seemed like a more mellow affair.

18 Q Okay. Did you or CNY Pride have any
19 correspondence with Joe Doyle between the 2014 and 2015
20 festivals?

21 MR. LONG: Object to form.

22 MS. HARRINGTON: Form.

23 A Who is Joe Doyle?

24 Q He is with the Office of Corporation
25 Counsel for Syracuse.

SHEPARD - MANGINI

1 A It certainly doesn't ring a bell, so I'm
2 not going to say yes or no because, I mean, I'm not even
3 sure who the guy is.

4 Q Okay. Okay. Did you have any
5 correspondence -- you or CNY Pride have any
6 correspondence with the City regarding the sidewalks on
7 the north side of Kirkpatrick Street?

8 MR. LONG: Object to form.

9 A Other than normal permitting process, I
10 don't believe so.

11 MR. MANGINI: Okay. Okay. I'm
12 going to show you another exhibit. I'll
13 have this one marked 3, if you could just
14 take a look at that.

15 (Whereupon Exhibit No. 3 was marked for
16 identification, 5/2/17, EAB)

17 EXAMINATION BY MR. MANGINI:

18 Q So do you recognize this document?

19 A No, I don't. I see that I was carbon
20 copied on it.

21 Q Okay. So -- so who is Barrie Gewanter?

22 A Barrie Gewanter is now the County's
23 Director of the Human Rights Commission. She was hired
24 by the County Executive about a year and a half ago.
25 Prior to that she was the Executive Director of the

1 local chapter of the American Civil Liberties Union and
2 a volunteer for CNY -- on her own time, a volunteer for
3 CNY Pride.

4 Q Okay. Okay. So is it your understanding
5 that she was sending this e-mail on behalf of CNY Pride?

6 A It would appear so.

7 Q Okay. Do you -- do you happen to know
8 what the context of this e-mail is?

9 A Well, I'm reading it. It's just like it
10 says in the subject, it's draft permit requests for the
11 flag raising. I do recall that we on our own because of
12 the previous incident with the bullhorn and the
13 dignitaries, we thought we would apply for a permit for
14 the flag raising.

15 And we were told by someone in the City
16 that that was unnecessary because -- well, I can't speak
17 to what they said when I wasn't part of it, but I can
18 tell you that because flag raisings are such a common
19 place event at city hall that I -- you know, it didn't
20 seem like -- I guess to them it didn't seem like
21 something that's necessary.

22 Q Okay. Okay.

23 A You know, it also goes on to talk about
24 the staging area for the parade and information about
25 the entrance to the park.

SHEPARD - MANGINI

1 Q Okay. So what's your understanding of
2 what the second paragraph means?

3 A "We have an appointment for a meeting"?

4 Q Sorry. "We all agreed to this meeting."

5 A Oh. Well, I mean, it's -- it is what it
6 says it is. I didn't write it, and I don't remember --
7 I mean, she's writing this on a Friday night. I can say
8 that, for example, we all agreed and I just mentioned to
9 you about the assembly request for the flag raising.
10 That was a conversation that was held. She, as a
11 volunteer on our behalf, put that into here. I was not
12 part of every single conversation.

13 Q Right. Right.

14 A Like I had said quite a while ago, I
15 mean, sometimes it might be Joe, the next time it might
16 be Mary because we all had day jobs and we've all got
17 other things to do.

18 Q No, no, that's definitely understandable.
19 So do you recall whether you were at the particular
20 meeting this is referring to?

21 A No, I rarely would make those meetings.
22 They were held during the day, and my work -- my work
23 duties would preclude me getting down to a meeting at
24 the PSB.

25 Q Okay. Okay. So do you know what

1 Ms. Gewanter is referring to when she says ensure that
2 the language on the permit requests will provide the
3 police with the bases they need for law enforcement
4 purposes on those dates?

5 A I would think that's self-explanatory.
6 I'm not trying to be cocky with you, but, I mean,
7 somewhere along in here didn't I see that the police had
8 made a suggestion to someone from Pride about -- or
9 maybe it wasn't a suggestion but a reminder that if we
10 don't say -- if we aren't specific, we're -- you know,
11 they can't enforce it because of vagueness. I think I
12 saw that somewhere. I -- I could be wrong. But
13 certainly it would make sense to me that you might hear
14 that from a police officer. So, I mean, it --

15 Q Okay.

16 A On its face, it says what it says.

17 Q I guess what's your understanding of
18 what's being referred to as needing to be enforced?

19 MS. HARRINGTON: Object to form.

20 A I'm at a loss. Here we go.
21 "Additionally, in the past police command officers
22 deployed for this detail have indicated the language in
23 the permits are crucial to their ability to deal fairly
24 and effectively with situations created when counter
25 protesters show up with a bullhorn or attempt to be in

1 close proximity to Pride participants. We greatly
2 appreciate the assistance the police provide to Pride
3 participants during the festival. We want to make sure
4 that the permit language provides those officers with
5 what they need to protect and serve everyone that day."

6 That's it.

7 Q Okay. Okay. Okay. So backing up to the
8 previous paragraph there --

9 A Yeah.

10 Q -- it mentions we wanted T -- I assume
11 she meant to -- make sure that the permits clearly
12 delineate the physical and sound spaces for which CNY
13 Pride is looking for exclusive use during the related
14 events.

15 First off, do you know what -- what she
16 means by physical and sound spaces?

17 MR. LONG: Object to form.

18 A I didn't write this so, I mean, I'm not a
19 mind reader. Barrie has a -- as you can tell, a very
20 precise style of writing. Physical spaces. Well, that
21 would be the outer board -- I would think. I'm not
22 going to second guess something that I didn't write.

23 Q Okay.

24 A I don't mean to be uncooperative, but, I
25 mean --

1 Q Gotcha.

2 A That's a bit of an exercise.

3 Q Also from that same sentence, do you know
4 what she's referring to or what she means when she says
5 "exclusive use"?

6 A Again, I didn't write it. I mean, if
7 you're asking my opinion as to what it means, I could
8 tell you, but whether my opinion is what she meant, I
9 don't know.

10 Q Yeah.

11 A Exclusive use would be exclusive use. I
12 mean, it would just -- it would be the same as the
13 illustrations that I've made repeatedly today, which you
14 say you've understood. That, you know, if you -- if you
15 apply for and are granted a permit for certain public
16 property, you are given a list of how to conform to how
17 you may use it and that it's -- that area is reserved
18 for you.

19 Much like if you reserved one of the
20 shelters in one of the other parks to hold a family
21 reunion. It's your family reunion that's being held
22 there. You know, Joe Blow from Kokomo can't come in and
23 crank up a guitar in the middle of your family reunion
24 unless you are welcoming him to the family reunion.
25 Same thing here.

1 Q Okay. Okay. Got it. So if you could
2 just kind of briefly explain to me what each of these
3 labeled requests at the bottom of the page, Request 1, 2
4 and 3, what each of those means and what's being sought
5 there.

6 MR. LONG: Object to form.

7 A Well, I already did that with Request
8 Number 1.

9 Q Okay.

10 A Number 2 would indicate that we hadn't
11 completed the requirements from the City as far as our
12 proof of insurance and some fees that the City would
13 charge to process and that we would be doing that. And
14 certainly exclusive use of sound amplification would be
15 that if -- as an example -- one of the bars brings a
16 large truck loaded with people and they blast music
17 during it. I never had a problem but I wanted to be
18 sure that if somebody wanted to be blasting music while
19 we're trying to set up the parade, huh-uh, no, that that
20 would be unacceptable.

21 Sorry. I know you said no sounds or use
22 words. At the same time, I mean, by the same token,
23 since I was co-chairing that parade, I wouldn't want
24 somebody with a bullhorn trying to distract people or
25 give them contrary instructions, things that would be in

1 conflict with what the police wanted us to do. I mean,
2 after all, we're out on the street. And in this case we
3 had a half of what is New York State Route 5 going
4 through the city. There were real safety concerns there
5 and the communications have to be clear and exact and
6 they need to be followed.

7 Q Okay. All right. And for --

8 A Oh, and 3, yes. I think 3 speaks for
9 itself. It speaks to folks that would be protesting,
10 like your client, and as she words here, "just not right
11 on top of people coming into and leaving the festival at
12 the driveway entrance."

13 MR. MANGINI: Okay. Okay. So I'll
14 give you another document, if we could
15 label this one Exhibit 4.

16 (Whereupon Exhibit No. 4 was marked for
17 identification, 5/2/17, EAB)

18 A Same as 2 but different date.

19 EXAMINATION BY MR. MANGINI:

20 Q Okay. So do you recognize that document?

21 A Well, it's actually -- well, no. It's
22 all -- okay. It's all together. Yes, I do.

23 Q Okay. And what is that particular
24 document?

25 A Someone prepared for me -- and I don't

1 really recall -- what year is this? '15. Someone
2 prepared this document for my signature, and it is the
3 same thing that is seen in Exhibit 2. It's a City
4 application for a public assembly permit. This would be
5 2015. And it includes the notice that we go
6 door-to-door delivering to every residence and business
7 on the parade route just so that they're aware of when
8 there might be potential for disruption of traffic.

9 And it is signed by -- not signed by, but
10 it has both Dr. Carter and my names attached to it. And
11 then the last page is a modified version of the 2013
12 parade route that would -- that would have been required
13 by the City along with -- we've seen that type of thing.
14 Once it was done as narrative and twice -- this would
15 make twice that it's been done as an illustration
16 showing the route of the parade.

17 Q Okay. All right. So do you happen to
18 recall who it was who prepared this document for you?

19 A I don't.

20 Q Okay. But I take it --

21 A Although I -- I will -- I would -- I
22 don't know. I mean, it's -- the e-mail addresses are
23 both my personal e-mail and Barrie Gewanter's e-mail at
24 the Civil Liberties Union, but I don't -- I don't recall
25 who prepared that page of the document. I would have

1 prepared the third page.

2 Q Gotcha.

3 A Notice. And whoever prepared page 1 took
4 my notes from previously and altered them a bit to
5 create page 4.

6 Q Okay. Okay.

7 A Paige at CNY Pride, who the heck is that?
8 Okay.

9 Q Okay. So but I assume -- I assume you
10 kind of reviewed this and maybe went over this with
11 someone?

12 A I'm sure. I mean, if I signed it, I read
13 it before I signed it.

14 Q Gotcha. Okay. So what's being requested
15 here -- I guess the middle of the page, where it says we
16 request exclusive use of sound amplification, et cetera,
17 et cetera, what's that?

18 A We've already discussed that back in --
19 which exhibit was it? Oh, okay. The 3 is a companion
20 to 4. This is the same year. So that language is the
21 same as what you have in Exhibit 3.

22 Q Right. Okay. So I know you mentioned
23 with regard to the e-mail you weren't a hundred percent
24 sure what Ms. Gewanter was saying regarding exclusive
25 use; is that -- is that accurate?

1 A No. What I said was I didn't write that
2 e-mail and I'm not going to second guess somebody else's
3 language.

4 Q Right. Okay. So I guess with regard to
5 this permit, Exhibit 4, what, I guess, do you mean by
6 exclusive use here?

7 A I think this is the fourth or fifth time
8 I've explained this to you. You are -- you submit an
9 application to the City. The City has certain
10 parameters that they want you to obey. There will be
11 individuals there, i.e., the police, and those
12 parameters are what you need to follow in order to have
13 a safe festival. And that's what we were applying for.

14 Q Okay. Okay. Also, do you happen to know
15 why -- why it says, "Please send communications also to
16 B. Gewanter"?

17 A Well, probably since she had prepared the
18 general memo the week before, for ease of communication.

19 Q Okay. Okay. So if you could turn to the
20 fourth page of that exhibit.

21 A Uh-huh.

22 Q I notice that this is -- you mentioned
23 this is a modified version of the one from -- from the
24 previous permit?

25 A Yes. The previous one is page 3 of

1 Exhibit 2.

2 Q Yeah. Could you tell me a little bit
3 about that modification, what that's -- what that's
4 indicating?

5 A Somebody has added the word "march" on
6 the -- on the map, between where the starting and end
7 points are. They have written over -- when I initially
8 did this apparently in 2013, I had written same route
9 used in 2012, and it's been written over as same route
10 used in 2014 because this document is for '15.
11 Barricades at the same intersections. And what did I
12 strike out there?

13 And we're a bit more specific. Initially
14 I had said sidewalk area north side of Kirkpatrick
15 across from parks facility and that's been changed on
16 this one that you're asking me about that's page 4.

17 Q Okay. So -- so why was -- why was that
18 change made?

19 A Well, it just seems to be more specific
20 than what I had initially done.

21 Q So I guess why would that specificity be
22 needed?

23 A It never hurts to be too exact.

24 Q Okay. Okay. So, I guess, where did this
25 20-foot figure come from?

1 A On either side of the driveway. Well, on
2 the north side of the driveway there's sidewalks, but on
3 the south side of the driveway I don't think there are
4 now. There weren't then. There was a hedge. So we're
5 just -- I mean, it's just a more exact description of
6 the whole general area where you've got the parade
7 ending.

8 And I know one year we had the ID table
9 too close to the end of the parade and we created our
10 own bottleneck, so we moved it further up the driveway
11 to allow for people to move up in order to be showing
12 IDs as opposed to having a line that extended out into
13 the street and then further back in the street are other
14 people waiting to, you know, get done with the parade.

15 Q Okay. Okay. So also on that same page
16 it mentions needed for security plus First Amendment
17 activities. What's that -- what's that --

18 A Well, I didn't write that.

19 Q Okay.

20 A So I assume we're alluding to your
21 client.

22 Q Okay.

23 A I don't know that because I didn't write
24 that, but it would make sense to me that that's what was
25 meant.

1 Q And I guess what in regards to
2 Mr. Deferio is being indicated there?

3 MS. HARRINGTON: Object to form.

4 A Be more specific. What are you asking
5 me?

6 Q Right. You indicated that this statement
7 about First Amendment activities has to do with my
8 client, and I'm asking how?

9 A Oh. You wouldn't want him or anyone else
10 in the middle of that driveway entrance when we're
11 trying to process ID'ing people and making sure they get
12 the right color wristband.

13 Q Okay. And that -- would that also extend
14 to the 20 feet on either side of the driveway?

15 A I would think so, yeah.

16 MR. MANGINI: Okay. Okay. Let's
17 see. All right. I 'm going to give you
18 another exhibit. This would be 5.

19 (Whereupon Exhibit No. 5 was marked for
20 identification, 5/2/17, EAB)

21 EXAMINATION BY MR. MANGINI:

22 Q Okay. So do you recognize this document?

23 A I don't. Why is there something here
24 for -- again, it is an application for an assembly
25 permit but it would appear to be a duplicate of the one

1 that you just showed me as Exhibit 4.

2 Q Okay.

3 A Wait. I need to correct this. Number 4
4 appears to be the parade and the staging area for the
5 parade. So further back in the record, if I referred to
6 it as something else, it appears to be for the staging
7 area for the parade. Are these the same form?

8 Okay. Exhibit 5 is the festival itself.
9 And it is the entry location of the festival itself.

10 Q Okay. And so what are you requesting
11 here with regard to that area?

12 A Oh, my God. The use of a public facility
13 to do a festival.

14 Q Okay. Okay. Okay. And so I guess just
15 to clarify here, when it says, "Reason/Purpose of
16 Application: First Amendment activities," is that also
17 referring to Mr. Deferio?

18 MS. HARRINGTON: Object to form.

19 A Well, by implication it would imply
20 anyone.

21 Q Okay.

22 A Mr. Deferio included.

23 Q Okay. Okay. Okay. So if I could ask
24 you real quick: Right down here on the bottom corner of
25 Number 5.

1 A Uh-huh.

2 Q This -- that little asterisk there.
3 Could you read that for the record, please?

4 A We request -- this is not in my
5 handwriting, but I did sign the form. And it says, "We
6 request exclusive use of this location for access to the
7 festival site during the festival and for setup time and
8 for First Amendment activities related to festival..."
9 Well, it's truncated but I'm sure the word is
10 participation.

11 Q Okay. So what -- what is meant by for
12 First Amendment activities related to festival and --

13 A You've asked me that several times
14 already and I've answered you.

15 Q Okay. I guess what I'm asking now is
16 really the -- about the portion related to festival
17 participants.

18 MR. LONG: Object to form.

19 A Yeah.

20 Q What's -- what's -- what does that mean?

21 A Festival participants are festival
22 participants, as we've said repeatedly, you and I.
23 You've got this entry to the park and you need to
24 have -- it's a means of egress and entry. I mean, we
25 want to run our own show basically. Got to make sure

1 that people coming in are -- is it -- no, that was --
2 that didn't even happen.

3 I was thinking for a moment about the
4 year that we attempted to control people bringing in
5 bottles. That flopped. This entrance needs to be a
6 safe means of people getting in and out without having a
7 crowd. We do have people that come in in wheelchairs.
8 Everybody has got to be checked for ID and processed
9 accordingly. And, you know, like I've said to you
10 repeatedly when you've asked me, I -- we don't need --
11 I'm saying "I" but obviously it wasn't just me. We
12 don't need people with bullhorns creating confrontations
13 while we're trying to make sure that a safe festival is
14 about to begin.

15 Q Okay. Okay. I'm going to give you
16 another exhibit. Here's one for you all.

17 A Could I ask how many of these we're going
18 to process our way through?

19 Q Not -- not a whole lot more. I think four
20 or five more but they're really -- a lot of these are
21 going to be pretty -- pretty short shrift.

22 A Okay.

23 Q So if we could make this one Exhibit 6.

24 A 6?

25 Q Yeah.

1 (Whereupon Exhibit No. 6 was marked for
2 identification, 5/2/17, EAB)

3 EXAMINATION BY MR. MANGINI:

4 Q Okay. So do you recognize that one?

5 A This is another application to use the
6 City's park facility, and this is also 2015. And what
7 is this? This is -- looks remarkably similar to number
8 5.

9 Page 1 appears to be a duplicate of --
10 page 1 of Exhibit 5. Sorry. But these appear to be
11 duplicates of one another. I could be wrong, but --

12 Q Right. The one question I want to ask
13 you about these two is on Number 5.

14 A Yeah.

15 Q Right -- sorry. Right here on Number 5,
16 see where it mentions 20 feet?

17 A Uh-huh.

18 Q And then here on Number 6 it mentions 40
19 feet. Do you know how or when that change was made?

20 A I do not.

21 Q Okay. Okay. Do you know -- do you
22 happen to know why that change was made?

23 A I do not.

24 Q Okay.

25 A How long is 20 --

SHEPARD - MANGINI

1 Q I'm sorry?

2 A I'm going to get up and I'm going to pace
3 the way I do for something I do at work.

4 Q Okay.

5 A With each pace being the equivalent to 3
6 feet, if that's acceptable to you?

7 Q Sure.

8 A Okay. 3, 6, 9, 12, 15, 18, 20 (pacing).
9 So that goes from my chair in this room to the wall
10 where the refreshments are located. I don't know. It
11 looks to me like probably somebody among the group
12 thought that through and felt that 40 was more
13 reasonable because the parade is about 500 people all
14 arriving at the same finite point all at once. They
15 need to stop.

16 You'll have some people that are
17 departing, particularly if the -- if the group that
18 marched in the parade has a vehicle, that needs to go
19 along to get parking further down the street. But the
20 people that are coming in at that point, coming into the
21 festival, you know, they're going to have to go through
22 that processing. So it seems to me as though -- now,
23 examining it, I can say that to you, that perhaps 40
24 would make more sense.

25 Do I remember this? No, I do not.

SHEPARD - MANGINI

1 Q Okay.

2 A I -- in fairness to you, it is my
3 signature.

4 Q Right. No. No. I totally understand
5 that.

6 MR. MANGINI: Okay. Actually, we
7 can try just moving through some of these
8 a little more quickly. Let's make this
9 one Exhibit 7.

10 (Whereupon Exhibit No. 7 was marked for
11 identification, 5/2/17, EAB)

12 EXAMINATION BY MR. MANGINI:

13 Q All right. Do you -- do you recognize
14 that?

15 A I don't.

16 Q Okay. Okay. Let's see here.

17 A Because -- oh. Of course I don't
18 recognize this. This is from 2016. I had nothing to do
19 with the festival in 2016.

20 Q Gotcha.

21 A Why does the date say 2016 and the status
22 dates are a year earlier? I don't know.

23 Q Gotcha. Yeah.

24 A Yeah. Don't know.

25 Q Okay. So, actually, yeah, I guess here's

1 the best way to go about this. Regarding -- could you
2 read those comments, please?

3 A I will but if this is pertaining to a
4 festival in 2016 that I had nothing to do with, I'm not
5 sure where we're going here. What it reads is,
6 "Applicant is granted exclusive control to the entry
7 area into the Inner Harbor festival area as well as the
8 40 feet on either side of the northern portion of
9 Kirkpatrick Street for the limited purpose of allowing
10 exclusive use of sound amplification and access to the
11 festival."

12 Q Okay. So what would -- what's your
13 understanding of what that means?

14 MR. LONG: Object to form.

15 A I don't have any understanding of this.
16 I wasn't a part of this festival.

17 MR. MANGINI: Okay. Okay. Let me
18 see here. Okay. Actually, let's just --
19 actually, can we go off the record for a
20 second.

21 (A discussion was held off the record.)

22 EXAMINATION BY MR. MANGINI:

23 Q Okay. So what I have -- what has been
24 placed on the record before is the situation with
25 these -- with this type of document -- with this

1 document is this date is the date that it was printed
2 off.

3 MS. HARRINGTON: For the clarity of
4 the record, you're indicating date, which
5 is the third line down --

6 THE WITNESS: The upper date, yeah.

7 MR. MANGINI: Yes.

8 MS. HARRINGTON: -- under location
9 of Proposed Work Permit Number, and then
10 it illustrates the date as being 6/14 of
11 2016.

12 MR. MANGINI: Correct. And the
13 status date here is in regards to the
14 particular permit at issue.

15 A So if I understand you correctly, this
16 was printed off for someone's use a year later.

17 Q Correct.

18 A Okay.

19 Q Okay. So given that this is in relation
20 to the -- the 2015 festival permits --

21 A It is.

22 Q -- can you -- can you give any -- any --
23 do you have any idea on what was indicated or what
24 was -- what the comments meant?

25 MS. HARRINGTON: Object to form.

1 A I -- not -- I don't recall ever seeing
2 this. I assume it's some type of -- and this is only my
3 assumption -- that it's some type of internal flow chart
4 for City agencies to know where things are. Beyond
5 that, I really haven't a clue.

6 Q Okay. All right. That's fine. That's
7 fine.

8 Okay. So, actually -- okay. So what
9 happened at the end of the 2015 festival?

10 MS. HARRINGTON: Object to form.

11 A Be specific.

12 Q With -- let's say with regard to
13 Mr. Deferio.

14 A Mr. Deferio was involved in some type of
15 a confrontation which led to legal action between him
16 and one of our volunteers, Norman Weiner. Mr. Wiener is
17 in his early 70s, probably weighs about a 150 pounds
18 soaking wet. There was -- this was a physical
19 altercation.

20 I did not see it. I was aware that -- I
21 was aware of it from Mr. Weiner. He was quite upset.
22 And I believe that ultimately -- well, I'm not going to
23 speculate. I know there was some form of legal action
24 between your client and Mr. Weiner.

25 Q Okay.

1 A And I honestly don't know what that --
2 what form that took after the physical confrontation.

3 Q Okay. Okay. Do you recall what happened
4 after that happened?

5 A A police officer discussed with your
6 client the need for him to comply with the way the
7 permit was issued, particularly in light of a physical
8 altercation, and your client spent a great deal of time
9 debating that with the police officer.

10 I was told later by the police officer
11 that at that time your client requested a copy of the
12 application. Now, it wouldn't be one of the ones that
13 we have in evidence here today because when the police
14 officer informed me of this, I knew that the application
15 included my home address and telephone number and all of
16 the identifying information that you'd need to find me.
17 And I had asked the police officer if he had redacted my
18 personal information.

19 The police officer abjectly apologized to
20 me that he had neglected to do -- in the heat of the
21 moment he had neglected to do that. I certainly didn't
22 feel that anyone requesting copies of things that I had
23 submitted to the City, which are a matter of public
24 record, need to know my private information.

25 I was concerned and later after the

1 festival -- I think it was the next day, it was Father's
2 Day and only one of my girls was here for Father's
3 Day -- the police officer had given me a number that I
4 could reach him at. And we did have a conversation
5 about my concerns for, you know, the possibility of
6 further physical confrontations with Mr. Deferio. In
7 this case, not between Mr. Weiner and Mr. Deferio, but
8 me on my property.

9 Q Okay. Okay. Okay. So could you have
10 kind of to the best of your memory explain how that
11 conversation went?

12 A The police --

13 MS. HARRINGTON: Object to form.

14 You can continue.

15 A The police officer was very helpful, said
16 that if anything related to this that appeared to be out
17 of the ordinary occurred that I was to contact him.
18 Nothing occurred. But it was disturbing. I'm a
19 volunteer and I didn't expect that sort of -- those
20 sorts of ramifications.

21 Q Gotcha. Okay. And I guess backing up a
22 little bit, you said that the copy -- that -- sorry --
23 that the police officer you have spoke to indicated that
24 Mr. Deferio requested a copy of the permit that included
25 your personal information; is that correct?

SHEPARD - MANGINI

1 A That's my recollection of it, yes, yes.

2 Q Okay. Do you know -- okay. And was that
3 just because the officer informed you that that was the
4 particular permit he had requested?

5 MS. HARRINGTON: Object to form.

6 A We're dealing with third-hand information
7 here because I wasn't -- I was only present across the
8 street processing IDs during the time that Mr. Deferio
9 and the police officer were having this extended
10 conversation while Mr. Deferio did not comply with the
11 police officer's request.

12 Q Okay.

13 A So I -- he came -- it wasn't immediately
14 afterwards. He had other things to do. He -- the
15 police officer. But he did inform me of this and
16 immediately -- I -- it's funny because I don't see it on
17 the documents that we have here in front of us today,
18 but somewhere along the line I know my address was
19 involved in this.

20 Q Gotcha.

21 A And, I mean, he -- the police officer, as
22 I said before, was helpful, but it was, you know, not
23 news that I was happy to hear.

24 Q Gotcha. Gotcha. Okay. I guess backing
25 up a little bit further -- sorry for getting out of

1 order -- but regarding -- that's right. The
2 conversation between the police officer and
3 Mr. Deferio --

4 A Uh-huh.

5 Q -- they discussed -- I guess they
6 discussed the permit; is that correct?

7 A Like I just told you, I was across the
8 street. I couldn't hear the conversation.

9 Q Okay. Did they have a conversation on
10 the north side?

11 A Yeah, yes, because it would have started
12 there because he was not in compliance with the permit
13 and was requested by the officer to remove himself from
14 the area they he was not authorized to be in. He first
15 quite a bit of time refused and then the conversation
16 continued as they moved over to the south side of
17 Kirkpatrick Street.

18 Q Gotcha. Okay. And how was he --
19 Mr. Deferio out of compliance with the permit?

20 MR. LONG: Object to form.

21 MS. HARRINGTON: Object to form.

22 A Holy cow, we're going to do this again.
23 Because the permit said that we needed to have the
24 exclusive use of the space that was indicated in all of
25 these exhibits.

1 Q Got it. Okay. Okay. So I know -- I
2 know you mentioned that you weren't part of -- that --
3 sorry. When was it exactly that you left CNY Pride?

4 A My term -- my second term on the board
5 ended during the summer of 2015.

6 Q Okay. Okay. So about how long after the
7 festival would that be?

8 A Well, the festival is always the third
9 weekend in June, and my term would have ended either in
10 late August or late -- or mid August or mid September.
11 I don't remember which month.

12 Q Gotcha. Okay. And so between those two
13 periods of time did you have any kind of correspondence
14 with the City -- sorry -- either you or CNY Pride have
15 any conversation with the City regarding Mr. Deferio or
16 the events at the 2015 festival?

17 MR. LONG: Object to form.

18 MS. HARRINGTON: Object to form.

19 A I want to decline to answer that because
20 I am unsure if I might be -- I'm not sure about the
21 status of the legal action between Mr. Deferio and
22 Mr. Weiner and I don't want to insert myself into that
23 matter.

24 Q Okay.

25 A Your -- your client had once again, for

1 the third or fourth time, created a disruption at the
2 Pride festival. Was he a subject of conversation? Yes.

3 Q Okay. So you mentioned disruption.
4 Could you elaborate on that?

5 A I already have. There was some type of
6 physical altercation between Mr. Weiner and your client
7 in 2015. In 2013 your client broke through
8 City-provided barricades to disrupt the festival. In
9 2014, I believe, he arrived at a church service and
10 began to harass persons attending the church service.
11 And in 2012 he attempted to bullhorn down the Mayor of
12 the City.

13 Q Okay. Okay. All right.

14 A You might say we were at a point where
15 our patience was being tested beyond a reasonable limit.

16 Q Gotcha. Okay. Okay. So after the
17 2015 -- after your term in 2015 --

18 A Yeah.

19 Q -- did you have any further participation
20 in --

21 A Not really. I recruited a person to take
22 my place as the parade chair. He -- just as a sidebar,
23 it's a small town, we all know one another -- I knew him
24 because he works at the State Department of Motor
25 Vehicles and I had seen him in action really being able

1 to triage folks when they come in the DMV and I just
2 thought this guy has got personnel skills galore and
3 he'd be wonderful. And he agreed to come on board.

4 Because you don't want to get in the way
5 and be the overly possessive person saying this is what
6 you have to do, I stepped back. The only involvement I
7 had after that was that I was Santa Claus at our -- at
8 Pride's Christmas breakfast that they co-sponsor with
9 the Lutheran church.

10 Q Gotcha. Okay. Okay. So would it be
11 correct for me to say that you didn't have any
12 involvement in the permit process for 2016 festival?

13 A We've already said that. That is
14 correct.

15 Q Okay. All right. Then did you bring any
16 materials with you today?

17 A I saw that in your notice, but to be
18 honest with you, during a meeting in September or August
19 of '15 I brought everything I had. We -- to a meeting
20 that we had, and I wanted it out of my house because
21 it's a little place. I don't need to collect things.

22 Q Gotcha. Okay. So those aren't in your
23 possession?

24 A They're not. They are not.

25 MR. MANGINI: Okay. I think that's

SHEPARD - MANGINI

1 all I have.


2 MS. HARRINGTON: No questions from
3 us.

4 MR. LONG: No questions.

5 (The deposition concluded at 2:18 p.m.)
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C E R T I F I C A T I O N

I, ERICA BEDFORD, Court Reporter and
Notary Public in and for the State of New York, DO
HEREBY CERTIFY that I attended the foregoing
proceedings, took stenographic notes of the same, that
the foregoing is a true and correct copy of same and the
whole.


ERICA BEDFORD
COURT REPORTER

Dated: May 18, 2017

SIGNATURE PAGE OF CHRISTOPHER SHEPARD

Page	Line	Should be Changed to Read
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I, CHRISTOPHER SHEPARD, hereby certify that I have read the transcript of my testimony taken under oath and that the transcript is a true and complete record of my testimony, and that the answers on the record as given by me are true and correct.

CHRISTOPHER SHEPARD

Sworn to before me
this____ day of _____, 2017

Notary Public

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MR. LONG: [25] 8/15 9/2 15/2 16/14 16/22 17/15 17/24 18/10 19/5 22/12 28/24 35/16 37/4 37/20 39/17 42/9 44/20 45/7 49/16 51/5 60/17 65/13 71/19 72/16 75/3 MR. MANGINI: [11] 22/22 33/4 33/18 45/10 52/12 58/15 64/5 65/16 66/6 66/11 74/24 MS. HARRINGTON: [25] 9/1 9/5 15/3 16/23 21/14 22/11 24/21 33/13 34/25 37/15 37/21 39/18 44/21 48/18 58/2 59/17 66/2 66/7 66/24 67/9 69/12 70/4 71/20 72/17 75/1 THE WITNESS: [5] 9/3 9/7 33/16 33/19 66/5	233 [1] 1/23 24 [2] 2/9 2/9 25 [1] 11/15 2:18 [1] 75/5 3 30 [1] 7/2 300 [1] 1/23 34 [1] 2/10 35 [1] 2/10 38117 [1] 1/20 4 4,000 [1] 12/4 40 [4] 62/18 63/12 63/23 65/8 46 [2] 2/12 2/12 5 5/2/17 [7] 23/3 33/10 45/16 52/17 58/20 62/2 64/11 500 [1] 63/13 501 [2] 6/23 7/6 53 [2] 2/14 2/14 59 [1] 2/16 5:16-CV-0361 [1] 1/5 6 6/14 [1] 66/10 60 [3] 2/16 3/8 19/18 63 [2] 2/18 2/18 65 [2] 2/20 2/20 690 [2] 23/17 23/18 699 [1] 1/19 6:00 [1] 40/13 7 70s [1] 67/17 750 [1] 1/15 9 911 [1] 20/20 A a.m [1] 40/13 ability [1] 48/23 abjectly [1] 68/19 able [1] 73/25 about [51] 4/7 4/21 6/7 10/23 11/12 11/22 17/2 17/3 18/19 20/5 24/19 24/20 25/7 25/16 25/19 26/11 28/24 30/24 31/16 32/1 35/8 35/18 35/19 36/2 36/3 37/1 37/6 40/11 40/13 41/13 42/8 43/6 44/9 45/24 46/23 46/24 47/9 48/8 56/3 56/16 58/7 60/16 61/3 61/14 62/13 63/13 65/1 67/17 69/5 72/6 72/20 absolutely [1] 8/10 acceptable [1] 63/6 acceptance [1] 7/15 access [2] 60/6 65/10 accordingly [1] 61/9 accosting [3] 27/20 28/18 32/19 accurate [1] 54/25 acknowledgment [1] 13/8 across [6] 27/12 32/15 36/24 56/15 70/7 71/7 action [5] 1/5 67/15 67/23 72/21 73/25 activism [1] 12/9	activities [6] 10/6 57/17 58/7 59/16 60/8 60/12 activity [1] 10/19 actually [9] 5/16 22/9 32/21 52/21 64/6 64/25 65/18 65/19 67/8 add [1] 19/18 added [2] 24/25 56/5 Additionally [1] 48/21 address [2] 68/15 70/18 addresses [1] 53/22 addressing [1] 15/23 adjacent [1] 23/18 admission [1] 37/10 admittedly [1] 28/2 advice [1] 9/21 advised [2] 6/3 6/5 affair [1] 44/17 affect [1] 22/11 after [21] 5/18 10/20 19/21 20/3 22/17 29/11 30/25 31/9 35/12 39/12 42/6 43/24 44/7 52/2 68/2 68/4 68/25 72/6 73/16 73/17 74/7 afternoon [1] 31/8 afterwards [2] 42/21 70/14 again [10] 16/17 22/1 23/23 25/10 31/3 36/9 50/6 58/24 71/22 72/25 age [1] 25/24 agencies [5] 12/1 15/8 15/9 37/13 67/4 agency [3] 7/1 20/20 23/14 aghost [1] 28/7 ago [6] 15/21 19/12 26/23 37/7 45/24 47/14 agree [1] 42/4 agreed [8] 3/3 3/6 3/10 3/13 3/16 47/4 47/8 74/3 ah [1] 9/25 ahead [1] 21/16 AIDS [1] 12/9 alcoholic [1] 25/23 all [51] 3/10 3/14 3/16 3/17 6/19 10/20 11/11 12/9 12/25 13/6 14/7 14/17 14/21 17/11 18/20 19/22 22/14 22/20 22/23 24/14 24/18 24/23 26/20 26/23 26/24 31/12 39/3 41/8 41/13 42/3 47/4 47/8 47/16 47/16 52/2 52/7 52/22 52/22 53/17 58/17 61/16 63/13 63/14 64/13 67/6 68/15 71/24 73/13 73/23 74/15 75/1 allow [1] 57/11 allowing [1] 65/9 alluding [1] 57/20 along [6] 14/25 40/9 48/7 53/13 63/19 70/18 already [8] 16/25 18/1 34/13 51/7 54/18 60/14 73/5 74/13 also [19] 5/22 9/15 10/19 12/7 13/11 21/3 21/20 28/11 29/23 34/23 36/7 46/23 50/3 55/14 55/15 57/15 58/13 59/16 62/6 altercation [3] 67/19 68/8 73/6 altered [1] 54/4 Although [1] 53/21
--	--	--

CHRISTOPHER SHEPARD

A	63/10 63/16 63/20 64/22 67/4 68/23 74/24 77/20	awful [1] 41/8
always [3] 8/9 12/10 72/8	area [17] 12/17 12/20 22/16 36/24 39/6 39/11	B
am [3] 9/4 9/4 72/20	41/1 46/24 50/17 56/14	back [10] 5/16 18/14 31/18 32/10 38/15 38/15
AMANDA [1] 1/25	57/6 59/4 59/7 59/11 65/7 65/7 71/14	54/18 57/13 59/5 74/6
ambulance [2] 20/13 20/14	aren't [3] 11/5 48/10 74/22	background [2] 6/20 28/3
Amendment [5] 57/16 58/7 59/16 60/8 60/12	around [4] 7/20 16/1 41/10 41/13	backing [4] 32/21 49/7 69/21 70/24
American [1] 46/1	arrange [2] 14/10 20/18	Bailey [1] 43/3
among [2] 42/13 63/11	arrangements [1] 14/18	bank [1] 38/10
amount [2] 14/8 22/21	arrested [1] 39/25	Barbara [1] 44/1
Amphitheater [1] 13/22	arrived [2] 27/8 73/9	Barbara Streisand [1] 44/1
amplification [4] 35/20 51/14 54/16 65/10	arriving [1] 63/14	barbecue [1] 43/1
and/or [1] 19/9	art [1] 10/13	barricades [6] 18/25 27/16 28/18 44/14 56/11 73/8
Andrew's [1] 27/21	artists [2] 43/19 44/2	Barrie [4] 45/21 45/22 49/19 53/23
Anecdotal [1] 28/10	as [78]	barrier [2] 32/18 43/2
annual [1] 7/7	aside [3] 5/8 22/20 42/2	barriers [1] 32/15
another [15] 11/5 11/14 12/12 18/18 19/21 34/16 36/4 38/4 45/12 52/14 58/18 61/16 62/5 62/11 73/23	ask [11] 4/7 4/11 4/12 4/17 17/21 21/14 25/19 41/4 59/23 61/17 62/12	bars [2] 43/20 51/15
answer [3] 9/7 30/19 72/19	asked [11] 5/21 17/23 18/5 25/16 33/17 37/12 39/5 39/7 60/13 61/10 68/17	bartenders [1] 14/10
answered [4] 16/25 18/1 37/6 60/14	asking [7] 18/17 34/1 50/7 56/16 58/4 58/8 60/15	based [2] 23/14 37/11
answering [1] 35/23	assembly [4] 34/11 47/9 53/4 58/24	bases [1] 48/3
answers [2] 4/14 77/19	assistance [2] 8/9 49/2	basically [1] 60/25
any [29] 5/10 5/20 12/2 12/20 17/23 27/13 31/15 31/22 35/8 35/21 35/22 35/24 39/15 39/16 40/18 42/8 44/9 44/18 45/4 45/5 65/15 66/22 66/22 66/23 72/13 72/15 73/19 74/11 74/15	assistant [1] 4/22	bath [1] 20/7
anybody [5] 26/14 26/18 35/16 37/8 43/3	assume [6] 35/6 49/10 54/9 54/9 57/20 67/2	be [94]
anyone [4] 35/10 58/9 59/20 68/22	assumption [1] 67/3	beautiful [1] 6/8
anything [7] 16/5 21/1 35/9 35/22 37/19 38/23 69/16	asterisk [1] 60/2	became [1] 4/25
anyway [2] 19/19 38/14	at [74] 1/14 1/14 3/18 5/13 5/13 6/4 6/12 11/18 12/20 13/10 13/20 13/22 14/20 15/18 20/9 21/22 22/2 22/25 23/5 23/25 23/25 24/4 26/3 26/16 27/10 28/5 28/6 28/9 31/19 31/19 32/12 33/6 34/10 35/12 36/4 36/10 37/14 37/14 38/13 40/7 40/13 40/13 41/12 41/24 42/23 43/14 43/20 45/14 46/19 47/19 47/23 48/20 51/3 51/22 52/11 53/23 54/7 56/11 63/3 63/14 63/14 63/20 66/14 67/9 68/11 69/4 72/16 73/1 73/9 73/14 73/24 74/7 74/7 75/5	because [50] 4/14 9/9 9/17 10/20 14/21 20/12 20/20 20/22 21/20 22/4 22/21 25/3 26/18 26/25 27/19 28/7 28/13 29/15 30/19 36/2 38/12 38/25 43/3 43/4 43/14 43/19 44/4 44/13 44/14 45/2 46/11 46/16 46/18 47/16 48/11 56/10 57/23 63/13 64/17 68/13 70/3 70/7 70/16 71/11 71/12 71/23 72/19 73/24 74/4 74/20
apologize [1] 42/11	attached [1] 53/10	becomes [1] 41/2
apologized [1] 68/19	attempt [1] 48/25	Bedford [3] 1/16 76/4 76/19
apparently [2] 41/9 56/8	attempted [2] 61/4 73/11	been [15] 6/2 6/16 7/20 7/21 8/7 11/13 11/15 13/18 27/7 40/25 53/12 53/15 56/9 56/15 65/23
appear [4] 35/7 46/6 58/25 62/10	attend [1] 32/20	beer [1] 12/14
appeared [1] 69/16	attended [1] 76/6	before [18] 1/16 7/22 7/23 13/5 13/19 16/12 22/9 24/2 29/3 33/5 37/7 39/6 44/13 54/13 55/18 65/24 70/22 77/23
appears [4] 33/22 59/4 59/6 62/9	attending [1] 73/10	began [1] 73/10
Applicant [1] 65/6	attends [1] 13/12	begin [2] 41/2 61/14
application [9] 15/6 33/23 53/4 55/9 58/24 59/16 62/5 68/12 68/14	attention [1] 43/9	behalf [2] 46/5 47/11
apply [3] 34/9 46/13 50/15	attorney [1] 4/6	being [12] 4/2 9/17 22/21 48/18 50/21 51/4 54/14 58/2 63/5 66/10 73/15 73/25
applying [2] 37/9 55/13	attorneys [1] 3/4	belied [1] 8/10
appointment [1] 47/3	August [4] 42/16 72/10 72/10 74/18	believe [7] 20/20 25/1 38/11 42/3 45/10 67/22 73/9
appreciate [1] 49/2	authorized [1] 71/14	bell [1] 45/1
appropriate [1] 3/19	available [2] 6/6 14/23	below [2] 23/18 34/24
approved [1] 37/13	avoiding [1] 26/7	best [2] 65/1 69/10
approves [1] 14/18	aware [3] 53/7 67/20 67/21	Beth [5] 19/17 19/17 19/17 23/8 23/21
approximately [1] 27/16	away [1] 5/19	better [1] 6/24
are [53] 3/11 5/24 5/24 6/21 7/6 10/20 11/4 11/25 12/3 12/10 13/10 14/10 15/19 16/7 17/9 17/9 18/13 20/15 23/18 23/20 25/24 29/18 34/3 34/12 34/13 39/22 40/9 40/12 46/18 48/23 50/15 50/16 50/24 53/22 55/8 55/12 56/7 57/3 57/13 58/4 59/7 59/10 60/21 61/1 61/20	awesome [1] 19/14	between [12] 3/4 39/16 43/2 44/19 56/6 67/15

CHRISTOPHER SHEPARD

B	39/25 40/5 40/21 41/12 41/25 42/17 43/9 44/17 46/17 48/6 48/9 48/12 49/24 50/8 51/17 52/18 53/9 53/20 53/24 54/9 57/2 57/24 58/25 60/5 60/9 61/11 61/20 62/10 62/11 63/19 65/3 69/7 69/18 70/15 70/18 70/22 71/1 74/17	CHRISTOPHER [5] 1/13 2/2 77/1 77/18 77/22 church [8] 27/21 28/6 28/9 31/7 32/14 73/9 73/10 74/9 churches [3] 7/11 8/4 12/10 churchgoers [1] 28/1 city [35] 1/6 1/7 1/8 1/10 1/22 1/23 9/17 16/22 17/14 18/8 18/19 19/9 24/25 25/12 27/9 27/11 37/12 42/8 43/7 45/6 46/15 46/19 51/11 51/12 52/4 53/3 53/13 55/9 55/9 67/4 68/23 72/14 72/15 73/8 73/12 City's [1] 62/6 City-provided [1] 73/8 civil [8] 1/5 3/15 3/18 3/19 17/8 26/13 46/1 53/24 clarification [1] 4/12 clarify [2] 8/18 59/15 clarity [1] 66/3 Claus [1] 74/7 cleanup [1] 5/15 clear [2] 43/19 52/5 clearly [1] 49/11 clergy [1] 11/1 Clerk [1] 27/9 client [13] 26/5 28/11 38/6 52/10 57/21 58/8 67/24 68/6 68/8 68/11 72/25 73/6 73/7 clientele [1] 14/13 clients [1] 30/25 Clinton [1] 22/18 close [2] 49/1 57/9 closing [1] 19/18 clue [1] 67/5 CNY [31] 4/7 4/25 5/13 6/20 7/3 7/13 7/19 8/1 8/14 8/23 10/3 10/6 14/4 16/22 17/13 18/7 18/18 19/7 19/8 24/7 31/13 42/7 44/18 45/5 46/2 46/3 46/5 49/12 54/7 72/3 72/14 co [2] 51/23 74/8 co-chairing [1] 51/23 co-sponsor [1] 74/8 cobble [2] 43/5 43/5 cocky [1] 48/6 collaborate [1] 17/14 collect [1] 74/21 color [1] 58/12 colored [1] 34/16 coloring [1] 12/19 Columbus [1] 9/18 come [9] 12/4 14/25 21/4 32/3 50/22 56/25 61/7 74/1 74/3 comedy [1] 13/3 comes [4] 27/21 37/24 40/20 40/21 coming [4] 52/11 61/1 63/20 63/20 command [1] 48/21 commencing [1] 1/14 comments [6] 6/17 41/16 41/17 42/14 65/2 66/24 Commission [1] 45/23 Commissioner [1] 19/16 common [1] 46/18 commonalty [1] 11/6 communication [2] 17/6
between... [6] 67/24 69/7 71/2 72/12 72/21 73/6 beverages [1] 25/23 beyond [4] 15/9 27/15 67/4 73/15 bible [1] 41/11 biggest [1] 10/4 bill [1] 43/8 bit [11] 7/11 10/23 11/12 32/22 50/2 54/4 56/2 56/13 69/22 70/25 71/15 bizarre [1] 20/24 blah [5] 24/16 24/16 24/16 24/17 24/17 blast [1] 51/16 blasting [1] 51/18 blinders [1] 8/5 block [1] 24/16 blow [2] 12/19 50/22 blow-up [1] 12/19 blowing [1] 39/2 blowup [1] 43/18 board [8] 4/23 5/1 5/18 9/10 18/5 49/21 72/4 74/3 Board's [1] 24/4 boisterous [1] 44/16 bold [1] 28/20 bolts [2] 18/23 21/21 boltsy [1] 17/20 bombs [1] 43/22 bone [1] 31/2 booth [3] 12/17 12/17 14/11 booths [2] 12/8 21/21 both [6] 6/23 7/16 19/8 19/8 53/10 53/23 bottleneck [1] 57/10 bottles [1] 61/5 bottom [2] 51/3 59/24 brawl [1] 26/18 brawling [1] 27/1 breakfast [1] 74/8 breaking [3] 32/18 41/2 44/13 breaks [1] 26/21 briefly [1] 51/2 bring [1] 74/15 bringing [1] 61/4 brings [1] 51/15 broad [1] 31/6 broke [3] 27/16 28/17 73/7 brought [2] 28/12 74/19 Bruce [3] 24/1 24/6 27/17 brush [1] 31/6 bulletins [1] 28/6 bullhorn [5] 27/8 46/12 48/25 51/24 73/11 bullhorns [1] 61/12 bumper [1] 28/15 bunch [3] 16/13 26/9 32/12 burned [1] 43/3 business [2] 10/20 53/6 businesses [4] 10/15 10/17 12/1 12/3 busy [1] 39/14 but [69] 5/20 6/8 10/10 10/19 11/24 13/4 16/4 17/4 17/20 18/15 19/20 20/18 20/23 21/3 24/12 25/3 25/8 26/9 26/14 28/16 30/9 31/2 31/6 31/10 31/24 32/17 35/5 35/6 36/10 38/6 39/22	C CHRISTOPHER [1] 4/1 caffeinated [1] 26/19 calendar [1] 42/18 call [1] 31/11 called [2] 4/2 20/7 calls [2] 21/13 22/3 came [2] 28/6 70/13 can [17] 9/6 12/9 22/14 23/11 26/15 26/18 29/18 38/6 46/17 47/7 49/19 63/23 64/7 65/19 66/22 66/22 69/14 can't [8] 7/23 9/9 9/24 19/15 37/10 46/16 48/11 50/22 capacity [3] 1/6 1/8 1/9 Captain [1] 1/8 car [1] 9/25 carbon [1] 45/19 carries [1] 41/10 Carter [5] 21/18 24/1 24/6 27/18 53/10 case [6] 8/7 8/8 26/8 36/22 52/2 69/7 cater [1] 14/13 Cathedral [2] 28/13 31/1 Catholic [3] 28/12 31/1 32/15 Center [4] 1/15 1/19 31/20 32/3 central [2] 15/25 17/5 ceremony [1] 13/11 certain [5] 20/19 28/14 37/11 50/15 55/9 certainly [10] 19/22 31/10 39/20 41/23 41/25 42/5 45/1 48/13 51/14 68/21 certify [2] 76/6 77/18 cetera [7] 10/1 10/1 16/2 26/4 26/4 54/16 54/17 chair [4] 5/21 21/19 63/9 73/22 chairing [2] 8/8 51/23 change [7] 14/21 16/10 16/11 29/2 56/18 62/19 62/22 changed [4] 15/21 19/24 56/15 77/2 chapter [1] 46/1 charge [2] 37/10 51/13 chart [1] 67/3 chat [1] 20/1 check [2] 14/15 34/15 checked [1] 61/8 checking [1] 35/23 cheek [2] 28/4 28/5 Chief [1] 1/6 child [2] 6/9 41/21 children [1] 12/18 children's [2] 12/17 12/20 Christmas [1] 74/8	

CHRISTOPHER SHEPARD

C	23/5 23/19 24/12 27/4 36/12 37/18 40/24 43/12 45/13 48/12 50/7 51/1 52/14 55/19 56/2 59/23 60/3 61/17 61/23 62/11 65/1 69/4 69/9 73/4 couldn't [2] 6/25 71/8 COUNSEL [2] 1/22 44/25 counter [1] 48/24 County [4] 4/23 20/20 23/15 45/24 County's [1] 45/22 couple [8] 5/15 5/19 13/6 13/7 15/21 26/23 27/9 38/16 course [4] 19/14 19/25 20/13 64/17 COURT [4] 1/1 1/16 76/4 76/19 cover [2] 23/20 38/11 covers [1] 38/9 cow [1] 71/22 crank [1] 50/23 crap [1] 38/22 craziness [1] 20/6 create [2] 11/2 54/5 created [4] 26/5 48/24 57/9 73/1 creating [1] 61/12 criticizing [1] 31/6 crossed [1] 35/2 crowd [2] 25/20 61/7 crucial [1] 48/23 cul [1] 27/11 cul-de-sac [1] 27/11 cultural [1] 7/9 curbing [1] 43/6 cut [1] 39/22 CV [1] 1/5	72/15 72/21 define [1] 18/15 definitely [3] 12/23 44/12 47/18 definition [1] 30/20 delineate [1] 49/12 delivering [1] 53/6 denomination [1] 11/5 departing [1] 63/17 department [25] 1/7 1/8 1/10 8/10 14/17 14/18 17/19 18/23 19/13 19/17 19/20 19/23 20/2 20/11 20/19 21/9 21/11 21/12 21/23 23/9 23/22 23/25 24/25 25/13 73/24 department's [1] 23/13 departments [1] 14/20 deployed [1] 48/22 deposition [3] 1/13 3/14 75/5 deposits [1] 38/10 Deputy [1] 19/16 describe [1] 8/14 described [1] 36/20 describing [1] 8/19 description [2] 36/16 57/5 designated [2] 22/15 22/21 desks [1] 15/9 detail [3] 7/19 26/16 48/22 diametrically [1] 38/20 did [33] 5/5 5/5 5/12 7/10 16/10 16/14 19/20 20/18 21/14 21/19 21/20 24/10 28/17 40/21 41/4 41/5 42/7 43/25 44/18 45/4 51/7 56/8 56/11 56/24 60/5 67/20 69/4 70/10 70/15 71/9 72/13 73/19 74/15 didn't [21] 25/18 26/7 26/17 35/5 35/9 35/22 40/21 46/19 46/20 47/6 48/7 49/18 49/22 50/6 55/1 57/18 57/23 61/2 68/21 69/19 74/11 differences [1] 42/2 different [5] 16/13 17/10 32/9 32/18 52/18 difficulties [1] 44/2 dignitaries [2] 27/10 46/13 direction [1] 29/7 directly [1] 31/11 Director [2] 45/23 45/25 Directors [1] 5/1 discuss [1] 18/9 discussed [8] 24/15 29/1 30/4 34/13 54/18 68/5 71/5 71/6 discussing [1] 42/23 discussion [4] 33/8 44/9 44/13 65/21 disrupt [1] 73/8 disruption [3] 53/8 73/1 73/3 disruptive [1] 26/6 distract [1] 51/24 DISTRICT [2] 1/1 1/1 disturbing [1] 69/18 DIVISION [1] 1/2 DMV [1] 74/1 do [88]
D		
dad [1] 41/19 dance [1] 13/4 darn [1] 32/7 date [8] 52/18 64/21 66/1 66/1 66/4 66/6 66/10 66/13 Dated [1] 76/23 dates [4] 11/22 20/5 48/4 64/22 daughter [1] 42/2 day [18] 9/18 9/18 20/22 22/2 22/17 38/9 39/21 40/12 40/19 40/23 43/24 47/16 47/22 49/5 69/1 69/2 69/3 77/23 daylights [1] 32/4 days [2] 3/8 29/2 de [1] 27/11 deal [4] 17/10 17/11 48/23 68/8 dealing [1] 70/6 debate [1] 38/19 debating [2] 38/5 68/9 debriefing [3] 42/21 42/24 44/9 decline [1] 72/19 deemed [1] 3/18 Defendants [2] 1/11 1/22 DEFERIO [29] 1/3 4/6 27/5 30/5 30/8 31/16 32/25 38/14 39/17 40/1 40/11 40/19 40/23 44/9 44/15 58/2 59/17 59/22 67/13 67/14 69/6 69/7 69/24 70/8 70/10 71/3 71/19	72/15 72/21 define [1] 18/15 definitely [3] 12/23 44/12 47/18 definition [1] 30/20 delineate [1] 49/12 delivering [1] 53/6 denomination [1] 11/5 departing [1] 63/17 department [25] 1/7 1/8 1/10 8/10 14/17 14/18 17/19 18/23 19/13 19/17 19/20 19/23 20/2 20/11 20/19 21/9 21/11 21/12 21/23 23/9 23/22 23/25 24/25 25/13 73/24 department's [1] 23/13 departments [1] 14/20 deployed [1] 48/22 deposition [3] 1/13 3/14 75/5 deposits [1] 38/10 Deputy [1] 19/16 describe [1] 8/14 described [1] 36/20 describing [1] 8/19 description [2] 36/16 57/5 designated [2] 22/15 22/21 desks [1] 15/9 detail [3] 7/19 26/16 48/22 diametrically [1] 38/20 did [33] 5/5 5/5 5/12 7/10 16/10 16/14 19/20 20/18 21/14 21/19 21/20 24/10 28/17 40/21 41/4 41/5 42/7 43/25 44/18 45/4 51/7 56/8 56/11 56/24 60/5 67/20 69/4 70/10 70/15 71/9 72/13 73/19 74/15 didn't [21] 25/18 26/7 26/17 35/5 35/9 35/22 40/21 46/19 46/20 47/6 48/7 49/18 49/22 50/6 55/1 57/18 57/23 61/2 68/21 69/19 74/11 differences [1] 42/2 different [5] 16/13 17/10 32/9 32/18 52/18 difficulties [1] 44/2 dignitaries [2] 27/10 46/13 direction [1] 29/7 directly [1] 31/11 Director [2] 45/23 45/25 Directors [1] 5/1 discuss [1] 18/9 discussed [8] 24/15 29/1 30/4 34/13 54/18 68/5 71/5 71/6 discussing [1] 42/23 discussion [4] 33/8 44/9 44/13 65/21 disrupt [1] 73/8 disruption [3] 53/8 73/1 73/3 disruptive [1] 26/6 distract [1] 51/24 DISTRICT [2] 1/1 1/1 disturbing [1] 69/18 DIVISION [1] 1/2 DMV [1] 74/1 do [88]	

CHRISTOPHER SHEPARD

D		
doctor's [1]	32/6	
document [13]	22/24 34/7 45/18 52/14 52/20 52/24 53/2 53/18 53/25 56/10 58/22 65/25 66/1	
documents [1]	70/17	
does [9]	10/6 14/4 16/21 18/7 22/6 26/14 38/11 60/20 64/21	
doesn't [2]	41/12 45/1	
doing [10]	5/6 5/15 7/24 22/22 25/18 38/1 40/23 41/4 41/6 51/13	
don't [50]	4/11 6/20 7/6 15/16 16/18 20/19 23/15 25/8 31/1 31/8 35/16 35/16 35/24 38/12 38/23 39/14 40/14 40/14 41/12 42/4 43/21 45/10 45/19 47/6 48/10 49/24 50/9 52/25 53/19 53/22 53/24 53/24 57/3 57/23 58/23 61/10 61/12 63/10 64/15 64/17 64/22 64/24 65/15 67/1 68/1 70/16 72/11 72/22 74/4 74/21	
done [10]	13/8 16/7 18/22 19/1 26/25 42/16 53/14 53/15 56/20 57/14	
door [3]	28/6 53/6 53/6	
door-to-door [1]	53/6	
DOT [2]	14/22 23/14	
down [14]	4/15 25/2 27/8 27/18 28/6 34/10 34/23 38/5 41/2 47/23 59/24 63/19 66/5 73/11	
downstairs [1]	37/7	
downtown [2]	13/21 28/13	
Doyle [2]	44/19 44/23	
DPW [2]	16/2 41/3	
Dr [4]	21/18 27/18 32/3 53/10	
draft [1]	46/10	
drag [1]	26/10	
dress [1]	31/7	
dressed [1]	32/12	
drink [1]	40/2	
drive [1]	9/25	
driveway [8]	29/17 52/12 57/1 57/2 57/3 57/10 58/10 58/14	
drug [1]	20/7	
drunk [1]	9/25	
Dude [1]	40/12	
duly [1]	4/2	
duplicate [2]	58/25 62/9	
duplicates [1]	62/11	
during [11]	26/22 27/24 44/9 47/22 49/3 49/13 51/17 60/7 70/8 72/5 74/18	
duties [1]	47/23	
E		
e-mail [9]	23/12 29/2 46/5 46/8 53/22 53/23 53/23 54/23 55/2	
EAB [7]	23/3 33/10 45/16 52/17 58/20 62/2 64/11	
each [7]	5/23 22/6 40/7 41/13 51/2 51/4 63/5	
earlier [3]	20/15 38/2 64/22	
early [2]	11/22 67/17	
ease [1]	55/18	
easier [1]	4/14	
East [1]	1/23	
easy [1]	26/19	
education [1]	7/5	
effectively [1]	48/24	
egging [1]	38/17	
egress [1]	60/24	
eight [1]	35/23	
either [8]	35/10 41/25 43/7 57/1 58/14 65/8 72/9 72/14	
elaborate [3]	16/11 27/4 73/4	
elected [1]	5/18	
elections [2]	4/22 4/23	
electrical [1]	18/25	
electricity [1]	17/18	
else [11]	10/14 11/1 14/15 16/5 22/2 32/8 35/9 35/10 37/8 58/9 59/6	
else's [1]	55/2	
emergency [1]	20/12	
end [7]	6/4 25/11 26/3 40/13 56/6 57/9 67/9	
ended [2]	72/5 72/9	
ending [1]	57/7	
enforce [1]	48/11	
enforced [1]	48/18	
enforcement [1]	48/3	
engage [2]	10/7 38/19	
enlightened [1]	10/17	
enough [1]	5/11	
ensure [1]	48/1	
entertainer [1]	38/4	
entertainment [2]	12/15 12/24	
entire [1]	29/2	
entirely [1]	32/18	
entities [1]	16/4	
entitled [1]	38/20	
entity [2]	6/24 6/24	
entrance [8]	25/7 34/14 35/21 41/1 46/25 52/12 58/10 61/5	
entrances [1]	34/14	
entry [4]	59/9 60/23 60/24 65/6	
Episcopalian [1]	32/14	
equipment [3]	14/23 35/20 43/11	
equivalent [1]	63/5	
Erase [1]	36/8	
Erica [3]	1/16 76/4 76/19	
Erica Bedford [1]	1/16	
Erwin [1]	38/3	
ESQ [3]	1/21 1/24 1/25	
establishments [1]	14/13	
et [7]	9/25 10/1 16/2 26/3 26/4 54/16 54/17	
even [3]	42/4 45/2 61/2	
event [10]	5/21 5/22 6/13 7/7 9/24 10/4 27/10 27/13 38/22 46/19	
events [8]	5/15 5/25 7/8 10/9 10/11 28/14 49/14 72/16	
ever [1]	67/1	
Everson [6]	5/16 6/6 6/8 6/18 13/20 32/12	
every [6]	9/19 9/19 10/9 28/18 47/12 53/6	
everybody [2]	9/23 61/8	
everyone [1]	49/5	
everyone's [1]	20/25	
everything [3]	41/3 42/25	
		74/19
		evidence [1] 68/13
		evolved [1] 11/21
		exact [3] 52/5 56/23 57/5
		exactly [4] 6/25 16/18 25/8 72/3
		EXAMINATION [1] 2/2
		examining [1] 63/23
		example [3] 11/24 47/8 51/15
		except [1] 3/11
		exception [2] 17/18 18/23
		excess [1] 11/14
		exciting [1] 44/4
		exclusive [12] 49/13 50/5 50/11 50/11 51/14 54/16 54/24 55/6 60/6 65/6 65/10 71/24
		Executive [2] 45/24 45/25
		exercise [1] 50/2
		exhibit [33] 2/9 2/10 2/12 2/14 2/16 2/18 2/20 23/1 23/2 33/7 33/9 36/13 36/20 45/12 45/15 52/15 52/16 53/3 54/19 54/21 55/5 55/20 56/1 58/18 58/19 59/1 59/8 61/16 61/23 62/1 62/10 64/9 64/10
		exhibits [1] 71/25
		existed [1] 6/23
		existence [1] 11/15
		expect [4] 8/6 35/10 35/16 69/19
		experience [1] 27/25
		expertise [1] 9/20
		explain [2] 51/2 69/10
		explained [1] 55/8
		explaining [1] 42/2
		explanatory [1] 48/5
		EXPRESSION [1] 1/19
		extend [1] 58/13
		extended [2] 57/12 70/9
		extent [1] 43/21
		extra [5] 25/17 25/17 25/17 25/19 38/13
		extraordinarily [1] 9/13
		extraordinary [1] 13/8
		extremely [1] 44/16
		F
		face [4] 26/10 38/24 39/1 48/16
		facility [4] 36/25 56/15 59/12 62/6
		fact [2] 8/6 35/7
		fair [1] 14/8
		fairly [1] 48/23
		fairness [1] 64/2
		family [5] 43/21 50/20 50/21 50/23 50/24
		far [6] 7/5 12/14 14/17 18/12 18/24 51/11
		Father's [2] 69/1 69/2
		FEDERAL [4] 3/1 3/15 3/17 3/19
		feel [2] 4/12 68/22
		fees [1] 51/12
		feet [6] 56/25 58/14 62/16 62/19 63/6 65/8
		felt [3] 5/20 26/15 63/12
		fenced [1] 25/3
		festival [63] 4/8 5/16 6/5 7/8 10/4 10/10 10/18 11/12 11/21 12/5 12/21 13/5 13/13 13/18 14/5

CHRISTOPHER SHEPARD

F	fountains [1] 6/8	32/10 33/12 34/25 35/8
festival... [48] 17/14	four [4] 13/14 15/24 25/6	35/20 35/21 40/7 43/7
18/9 20/4 20/10 21/21	61/19	45/2 45/12 49/22 52/3
21/22 22/16 24/3 26/23	fourth [4] 28/21 55/7	55/2 58/17 61/15 61/17
31/13 37/15 37/19 41/24	55/20 73/1	61/21 63/2 63/2 63/21
42/6 42/7 42/9 42/15	FOWLER [1] 1/6	65/5 67/22 71/22
43/21 44/6 49/3 52/11	FRANK [1] 1/6	goings [1] 28/8
55/13 59/8 59/9 59/13	frankly [2] 38/6 39/14	goings-on [1] 28/8
60/7 60/7 60/8 60/12	free [1] 4/12	good [5] 8/3 10/12 12/23
60/16 60/21 60/21 61/13	freedom [1] 42/3	38/18 43/6
63/21 64/19 65/4 65/7	fresh [1] 42/16	gosh [1] 14/16
65/11 65/16 66/20 67/9	Friday [2] 43/20 47/7	got [32] 6/19 8/10 13/17
69/1 72/7 72/8 72/16 73/2	friend [1] 28/5	16/8 16/8 16/14 17/22
73/8 74/12	front [3] 27/11 28/12	22/4 24/9 24/9 25/25 26/8
festivals [3] 9/15 9/17	70/17	26/12 29/20 29/20 30/7
44/20	full [1] 29/22	30/7 32/25 35/23 37/2
few [4] 4/7 6/17 13/9	fundraising [2] 10/9	37/2 39/12 39/12 43/22
19/20	10/11	47/16 51/1 57/6 60/23
fifth [1] 55/7	funny [1] 70/16	60/25 61/8 72/1 74/2
figure [1] 56/25	further [11] 3/6 3/10	Gotcha [28] 5/12 6/15 8/1
filling [1] 3/9	3/13 3/16 57/10 57/13	12/6 12/22 14/3 15/1 18/7
filled [1] 34/4	59/5 63/19 69/6 70/25	23/19 25/25 36/6 40/10
films [1] 10/11	73/19	40/22 44/8 50/1 54/2
find [5] 8/4 22/19 28/8	G	54/14 64/20 64/23 69/21
39/21 68/16	galleries [1] 10/13	70/20 70/24 70/24 71/18
finds [1] 41/21	galore [1] 74/2	72/12 73/16 74/10 74/22
fine [5] 11/5 40/15 43/9	gamut [2] 12/9 38/9	government [1] 15/9
67/6 67/7	gate [1] 25/3	grand [3] 7/2 13/9 13/10
finished [1] 5/7	gather [1] 16/6	granite [1] 43/5
finite [1] 63/14	gathering [1] 30/24	granted [3] 37/3 50/15
fire [8] 14/19 16/2 17/1	gay [4] 10/14 10/16 14/13	65/6
20/1 20/11 20/19 21/11	26/13	great [2] 17/11 68/8
23/13	gay-owned [2] 10/14 10/16	greater [1] 7/16
first [11] 21/2 26/1 27/7	gays [2] 7/16 7/17	greatly [1] 49/1
27/20 49/15 57/16 58/7	general [2] 55/18 57/6	grief [1] 27/22
59/16 60/8 60/12 71/14	generally [2] 30/10 31/21	group [4] 11/1 38/3 63/11
fish [1] 5/20	generating [1] 41/16	63/17
five [6] 5/10 12/10 13/14	generically [1] 43/14	groups [1] 22/18
14/12 29/2 61/20	Genesee [1] 31/20	guess [35] 8/13 8/22 8/22
flag [11] 5/22 5/25 6/13	gesturing [1] 20/16	15/17 16/17 17/4 17/4
6/16 13/11 27/10 27/18	get [15] 4/9 10/22 18/14	17/4 18/15 29/21 30/8
46/11 46/14 46/18 47/9	26/19 29/16 39/1 40/2	30/12 30/17 31/12 32/24
flopped [1] 61/5	41/9 41/18 42/13 57/14	33/12 35/11 36/15 36/15
flow [1] 67/3	58/11 63/2 63/19 74/4	46/20 48/17 49/22 54/15
folks [6] 9/14 32/12	gets [1] 26/20	55/2 55/4 55/5 56/21
41/17 41/18 52/9 74/1	getting [11] 20/14 28/16	56/24 58/1 59/14 60/15
follow [2] 29/18 55/12	32/19 38/24 39/22 40/4	64/25 69/21 70/24 71/5
followed [1] 52/6	40/9 43/8 47/23 61/6	guessing [2] 35/18 37/23
followers [1] 38/16	70/25	guidance [1] 28/23
following [3] 5/21 35/11	Gewanter [5] 45/21 45/22	guitar [1] 50/23
42/13	48/1 54/24 55/16	guy [5] 24/1 39/24 44/1
follows [1] 4/3	Gewanter's [1] 53/23	45/3 74/2
food [1] 12/12	girls [1] 69/2	H
foolish [1] 20/23	give [11] 6/20 7/19 19/10	had [64] 6/2 6/5 6/5 6/16
foregoing [2] 76/6 76/8	33/11 34/15 37/18 51/25	8/11 9/14 10/12 13/3
foremost [1] 21/3	52/14 58/17 61/15 66/22	16/12 16/12 19/12 19/19
forgive [2] 20/4 25/19	given [4] 50/16 66/19	20/8 20/9 20/11 21/7
form [52] 3/11 8/17 9/2	69/3 77/19	22/14 22/15 26/5 26/15
9/3 10/11 11/14 11/25	gives [1] 12/23	26/22 26/25 27/18 27/25
15/3 15/4 16/16 16/23	giving [3] 27/22 28/16	28/11 28/18 31/15 32/3
16/24 17/16 18/11 19/6	36/16	32/3 36/9 36/18 36/19
21/15 22/12 22/13 24/22	glad [1] 4/13	38/16 38/25 39/7 39/20
28/25 34/8 35/1 35/17	go [11] 9/25 10/10 21/16	39/24 43/18 44/1 47/14
37/5 37/16 37/21 37/22	31/18 44/6 48/20 53/5	47/16 48/7 51/17 52/3
39/18 39/19 42/10 44/21	63/18 63/21 65/1 65/19	55/17 56/8 56/14 56/20
44/22 45/8 48/19 49/17	goal [2] 7/13 7/14	57/8 64/18 65/4 68/17
51/6 58/3 59/7 59/18 60/5	God [3] 19/17 42/25 59/12	68/17 68/20 68/21 68/22
60/18 65/14 66/25 67/10	goes [6] 6/16 12/23 15/8	69/3 70/4 70/14 72/25
67/23 68/2 69/13 70/5	41/24 46/23 63/9	73/25 74/7 74/19 74/20
71/20 71/21 72/17 72/18	going [47] 4/7 4/9 6/9	had/they [1] 10/12
forms [5] 15/19 15/19	8/16 11/13 11/21 16/15	hadn't [1] 51/10
16/13 18/2 18/13	16/15 16/17 16/17 17/15	half [2] 45/24 52/3
forth [4] 32/10 38/15	17/15 18/9 18/10 20/4	hall [3] 1/23 27/11 46/19
38/15 41/7	20/5 22/3 22/8 29/9 30/19	hand [3] 43/4 43/9 70/6
found [3] 8/9 9/13 9/15	30/25 30/25 31/7 31/9	handing [1] 28/5
fountain [1] 6/10		

CHRISTOPHER SHEPARD

H	69/2 70/7 70/17	idea [3] 4/9 12/23 66/23
handwriting [1] 60/5	here's [3] 18/13 61/16	identification [7] 23/3
happen [7] 21/1 32/6 46/7	64/25	33/10 45/16 52/17 58/20
53/17 55/14 61/2 62/22	hereby [3] 3/3 76/6 77/18	62/2 64/11
happened [8] 26/22 29/25	hey [2] 17/8 18/19	identified [1] 2/7
37/14 37/19 39/12 67/9	hi [1] 18/12	identifying [1] 68/16
68/3 68/4	high [2] 32/14 41/20	identity [1] 41/22
happening [3] 38/23 39/6	him [19] 19/21 28/1 28/12	ideological [1] 8/5
39/7	28/15 28/16 28/16 32/1	ids [5] 14/15 34/15 35/23
happy [2] 6/12 70/23	38/17 39/1 41/10 44/13	57/12 70/8
harass [1] 73/10	50/24 58/9 67/15 68/6	if [46] 4/11 4/13 4/17
harasser [1] 31/11	69/4 69/17 73/23 73/25	5/21 8/5 17/21 18/13 21/1
harassing [1] 28/1	himself [1] 71/13	21/4 22/1 22/1 22/7 23/5
harbor [3] 13/25 14/1	hint [1] 33/11	27/20 27/20 29/16 31/9
65/7	hired [4] 25/5 25/6 25/9	36/7 36/12 37/18 37/19
hard [1] 17/10	45/23	39/22 45/13 48/9 48/10
harmony [1] 7/14	his [19] 1/6 1/8 1/9	50/6 50/14 50/14 50/19
HARRINGTON [1] 1/25	19/11 19/15 26/10 26/11	51/1 51/15 51/18 52/14
has [17] 6/8 6/23 11/13	26/12 28/15 31/1 31/2	54/12 55/19 59/5 59/23
13/18 28/11 38/4 39/25	38/16 38/21 38/24 39/2	61/23 63/6 63/17 63/17
42/5 49/19 53/10 55/9	41/7 43/4 43/9 67/17	65/3 66/15 68/17 69/16
56/5 58/7 61/8 63/18	history [4] 7/20 7/21	72/20
65/23 74/2	11/12 31/16	illegal [1] 20/6
hasn't [1] 8/7	hold [3] 7/7 14/4 50/20	illustrates [1] 66/10
have [94]	holding [1] 30/23	illustration [1] 53/15
haven't [2] 16/25 67/5	Holy [1] 71/22	illustrations [1] 50/13
having [7] 15/23 39/15	home [2] 12/2 68/15	immediately [2] 70/13
40/18 44/8 57/12 61/6	homes [2] 29/13 29/16	70/16
70/9	honest [1] 74/18	implication [1] 59/19
hazy [1] 36/2	honestly [1] 68/1	imply [1] 59/19
he [58] 19/12 19/14 19/20	hoops [1] 14/8	impression [1] 41/9
21/22 23/24 23/24 26/8	hostile [1] 8/6	improve [1] 42/15
27/8 27/11 27/13 27/16	house [2] 32/20 74/20	improvement [1] 12/2
27/19 27/19 28/1 28/17	how [21] 11/13 15/2 17/14	in [152]
28/17 31/6 31/9 31/17	17/15 18/9 18/9 29/14	in-person [2] 18/17 18/17
31/17 31/18 31/24 32/25	31/8 37/19 41/8 42/15	incident [2] 32/24 46/12
33/17 38/4 40/24 40/25	43/11 50/16 50/16 58/8	incidents [4] 20/24 26/15
41/4 41/6 41/7 41/8 41/10	61/17 62/19 62/25 69/10	27/5 27/6
41/15 42/4 43/4 43/9	71/18 72/6	included [5] 25/18 31/22
44/12 44/24 67/21 68/17	huh [10] 4/10 21/10 25/14	59/22 68/15 69/24
68/20 68/21 70/4 70/13	34/20 35/14 51/19 55/21	includes [1] 53/5
70/14 70/14 70/15 70/21	60/1 62/17 71/4	incorporated [1] 6/24
71/12 71/14 71/14 71/18	huh-uh [1] 51/19	indicate [1] 51/10
73/2 73/9 73/11 73/22	human [1] 45/23	indicated [6] 48/22 58/2
73/24 74/3	hundred [1] 54/23	58/6 66/23 69/23 71/24
he'd [1] 74/3	hurts [1] 56/23	indicating [3] 36/11 56/4
he's [6] 26/12 27/20	hymns [2] 11/6 11/8	66/4
27/22 38/20 41/10 42/4	I	individual [1] 18/18
head [1] 4/18	I'd [1] 22/24	individually [2] 1/7 1/9
Health [1] 31/20	I'll [3] 4/12 45/12 52/13	individuals [4] 21/9
hear [3] 48/13 70/23 71/8	I'm [70] 4/6 4/7 4/22	23/20 24/10 55/11
heard [2] 20/8 31/6	8/16 9/10 11/21 12/13	inform [1] 70/15
heartening [1] 8/4	15/5 15/15 15/18 15/18	information [6] 46/24
heat [1] 68/20	16/15 16/15 16/17 16/17	68/16 68/18 68/24 69/25
heavy [1] 22/2	17/8 18/16 20/4 20/4	70/6
heck [1] 54/7	20/18 22/1 22/2 22/14	informational [1] 12/8
hedge [1] 57/4	25/4 26/18 30/19 30/19	informed [2] 68/14 70/3
held [15] 1/13 10/8 13/5	31/2 31/5 31/23 33/12	initial [1] 35/5
13/18 13/18 13/19 22/17	34/1 35/2 35/18 35/18	initially [4] 35/3 56/7
27/10 28/1 33/8 44/6	35/19 36/2 36/2 36/7	56/13 56/20
47/10 47/22 50/21 65/21	36/18 37/23 39/23 41/11	initials [1] 35/6
hell [2] 14/6 26/20	42/20 43/14 43/15 44/2	inner [3] 13/24 14/1 65/7
help [4] 14/17 25/6 25/17	44/4 45/1 45/2 45/11 46/9	insert [1] 72/22
25/20	48/6 48/20 49/18 49/21	instead [1] 15/23
helpful [5] 9/14 9/15	54/12 55/2 58/8 60/9	instructions [2] 29/18
9/21 69/15 70/22	60/15 61/11 61/15 63/1	51/25
her [1] 46/2	63/2 63/2 65/4 67/22	insurance [4] 12/1 14/8
here [38] 9/5 22/24 23/17	69/18 72/20	18/4 51/12
24/19 24/19 25/11 25/12	I've [8] 16/25 18/1 22/4	interaction [2] 39/16
26/1 27/21 29/22 34/10	30/14 50/13 55/8 60/14	40/18
34/24 35/19 36/15 36/23	61/9	interactions [1] 39/20
38/18 38/19 47/11 48/7	i.e [1] 55/11	interdenominational [1]
48/20 50/25 52/10 54/15	id [3] 34/19 57/8 61/8	11/4
55/6 58/23 59/11 59/15	id'ing [5] 25/2 25/6	interest [1] 10/18
59/24 62/15 62/18 64/16	25/20 25/22 58/11	interests [1] 17/11
65/5 65/18 66/13 68/13		interfaith [4] 10/8 10/23

CHRISTOPHER SHEPARD

I	64/7 65/18 70/3 71/7 73/22 74/1	20/15 21/1 22/19 22/24 23/24 27/20 29/1 32/13 32/13 33/3 35/2 35/3 40/7 41/19 43/10 44/17 46/9 46/20 46/20 47/14 50/19 52/10 61/9 63/11 71/7
interfaith... [2] 11/9 28/2	K	limit [1] 73/15
internal [1] 67/3	keeling [1] 20/24	limited [1] 65/9
interrupting [1] 42/11	kehoe [1] 24/4	Lincoln [1] 1/15
intersections [1] 56/11	kid [1] 41/20	line [4] 57/12 66/5 70/18 77/2
into [13] 11/21 26/10 26/17 26/25 31/1 31/7 40/7 47/11 52/11 57/12 63/20 65/7 72/22	kidding [1] 40/12	liquor [2] 14/9 18/5
intruding [1] 30/1	kind [29] 4/8 5/20 7/21 9/16 12/24 14/3 15/20 16/21 17/5 17/14 18/21 27/4 27/18 29/22 31/15 36/16 37/18 38/17 39/7 40/1 40/8 42/17 42/22 42/23 43/11 51/2 54/10 69/10 72/13	list [3] 18/6 19/10 50/16
inventory [1] 43/11	kirkpatrick [5] 13/23 45/7 56/14 65/9 71/17	literal [1] 41/10
invite [1] 42/14	knew [3] 9/14 68/14 73/23	little [14] 6/20 7/19 10/23 11/12 22/9 32/21 36/2 38/16 56/2 60/2 64/8 69/22 70/25 74/21
involved [5] 7/22 7/25 19/22 67/14 70/19	know [122]	liturgical [2] 32/13 32/13
involvement [5] 7/11 31/21 31/22 74/6 74/12	kokomo [1] 50/22	living [1] 32/4
Irish [1] 22/16	L	loaded [1] 51/16
is [148]	label [2] 22/25 52/15	lobbying [1] 7/7
isn't [2] 24/11 33/12	labeled [3] 33/6 33/21 51/3	local [4] 7/11 15/9 20/23 46/1
issue [1] 66/14	Labor [1] 22/17	LOCASTRO [1] 1/9
issued [1] 68/7	ladies [2] 31/3 31/7	located [2] 40/25 63/10
issues [1] 7/6	Lakeview [1] 13/22	location [5] 24/16 34/10 59/9 60/6 66/8
it [190]	Lane [1] 1/19	long [6] 1/24 11/13 25/8 31/8 62/25 72/6
it's [58] 4/14 6/22 7/20 8/3 8/3 11/14 11/15 11/24 12/16 12/17 12/17 14/1 14/12 14/12 16/4 17/14 17/15 18/9 18/9 22/1 23/7 24/13 24/14 25/2 26/18 30/23 32/2 32/17 33/12 33/22 35/6 35/22 36/8 36/8 37/9 40/6 40/20 41/25 46/9 46/10 47/5 50/17 50/21 52/21 52/21 52/22 53/3 53/15 53/22 56/9 57/5 60/9 60/24 67/2 67/3 70/16 73/23 74/21	language [5] 48/2 48/22 49/4 54/20 55/3	look [6] 22/25 23/5 29/4 33/6 41/12 45/14
Italian [1] 44/5	large [3] 11/25 12/7 51/16	looking [7] 12/10 15/15 15/18 32/7 39/23 42/20 49/13
item [1] 43/24	last [9] 14/21 29/2 29/22 31/9 32/11 36/10 36/13 38/1 53/11	looks [5] 12/20 35/2 35/3 62/7 63/11
its [4] 7/21 11/24 37/12 48/16	late [2] 72/10 72/10	loose [1] 26/21
itself [6] 6/14 11/13 24/3 52/9 59/8 59/9	later [5] 5/2 19/15 66/16 68/10 68/25	loss [1] 48/20
J	law [1] 48/3	lot [12] 6/8 8/11 9/20 14/6 16/6 18/22 19/1 21/19 21/22 38/22 61/19 61/20
JAMES [1] 1/3	lawyer [1] 15/16	loudly [1] 41/16
JAMEY [1] 1/9	layman [1] 30/21	Lutheran [2] 32/14 74/9
Jayne [3] 21/20 21/20 24/2	lead [1] 42/1	M
Jim [1] 4/6	leading [2] 42/7 42/19	made [6] 43/19 48/8 50/13 56/18 62/19 62/22
job [3] 13/9 22/2 22/4	leave [1] 26/2	mail [9] 23/12 29/2 46/5 46/8 53/22 53/23 53/23 54/23 55/2
jobs [1] 47/16	leaving [1] 52/11	main [2] 7/7 41/24
Joe [4] 44/19 44/23 47/15 50/22	led [1] 67/15	Mainly [1] 29/15
joined [1] 5/1	left [1] 72/3	mainstream [1] 41/11
JOSEPH [1] 1/7	legal [4] 30/20 67/15 67/23 72/21	maintain [1] 21/3
joy [1] 19/18	LEK [1] 1/5	major [1] 43/18
July [1] 42/16	LEK-TWD [1] 1/5	make [27] 6/4 6/17 9/22 16/6 20/5 21/18 25/20 25/24 27/19 29/3 29/8 29/17 35/25 40/2 40/8 43/1 47/21 48/13 49/3 49/11 53/15 57/24 60/25 61/13 61/23 63/24 64/8
July/August [1] 42/16	lesbian [2] 10/16 14/13	makes [3] 16/8 19/2 29/20
jump [1] 14/9	lesbians [1] 26/13	making [2] 22/3 58/11
June [2] 10/10 72/9	less [2] 7/1 43/13	man [1] 26/23
just [58] 4/7 4/8 4/8 4/20 7/24 8/19 9/18 12/20 13/2 13/15 16/4 18/16 20/16 22/19 23/18 25/16 25/19 29/4 29/7 29/12 29/14 29/21 29/21 30/3 30/3 32/15 33/15 36/16 37/1 37/6 37/18 38/15 38/17 39/2 39/5 40/8 40/25 41/15 42/18 45/13 46/9 47/8 50/12 51/2 52/10 53/7 56/19 57/5 57/5 59/1 59/14 61/11	lessons [2] 11/7 11/9	MANGINI [2] 1/21 4/6
	let [9] 10/22 16/11 16/11 24/18 28/15 29/4 29/23 31/18 65/17	many [4] 13/20 14/12 17/10 61/17
	let's [9] 4/20 27/15 29/17 30/25 58/16 64/8 64/16 65/18 67/12	map [1] 56/6
	letter [1] 29/19	mapped [1] 36/22
	letting [1] 41/7	march [1] 56/5
	level [1] 28/8	marched [1] 63/18
	liaison [3] 19/13 19/21 19/22	mark [2] 1/21 33/7
	liaisons [1] 21/18	
	Liberties [2] 46/1 53/24	
	license [1] 14/9	
	light [1] 68/7	
	like [41] 4/15 4/17 5/20 8/2 8/23 8/25 12/18 12/19 12/20 13/4 13/19 15/23 16/4 17/4 17/18 19/12	

CHRISTOPHER SHEPARD

M	mentoring [1] 5/19	72/22
marked [9] 2/7 23/2 33/9 45/13 45/15 52/16 58/19 62/1 64/10	mid [2] 72/10 72/10	N
married [1] 31/9	middle [7] 27/17 27/21 27/24 32/19 50/23 54/15 58/10	name [5] 4/5 4/5 12/16 19/11 19/15
marshals [2] 13/9 13/10	might [15] 7/9 8/6 11/4 13/7 13/9 19/18 22/18 41/16 41/17 47/15 47/15 48/13 53/8 72/20 73/14	names [1] 53/10
Martin [2] 21/20 24/2	million [1] 38/9	narrative [1] 53/14
Mary [3] 23/8 23/21 47/16	mind [4] 37/24 40/20 40/21 49/19	naturally [1] 19/14
materials [1] 74/16	mine [1] 28/5	Naylor [5] 23/8 23/8 23/22 23/23 28/24
matter [2] 68/23 72/23	minute [3] 14/21 29/2 36/10	necessary [1] 46/21
may [5] 1/13 3/14 40/13 50/17 76/23	minutes [2] 3/7 37/7	need [20] 9/22 10/21 15/14 18/20 18/20 29/16 38/21 48/3 49/5 52/6 55/12 59/3 60/23 61/10 61/12 63/15 68/6 68/16 68/24 74/21
maybe [5] 23/19 25/18 41/19 48/9 54/10	mixed [1] 29/12	needed [8] 14/22 23/17 26/16 36/25 43/12 56/22 57/16 71/23
Mayor [3] 15/22 27/9 73/11	mode [1] 31/7	needing [1] 48/18
Mayor's [1] 15/22	modification [1] 56/3	needs [3] 18/25 61/5 63/18
me [55] 4/12 4/20 5/19 6/20 10/22 10/23 11/11 12/23 16/11 16/11 20/4 23/6 23/6 24/18 24/19 25/16 25/19 25/19 27/5 28/7 29/4 29/23 31/18 31/19 31/24 33/11 33/17 35/6 38/11 38/25 41/4 47/23 48/13 51/2 52/25 56/2 56/16 57/24 58/5 59/1 60/13 61/10 61/11 63/11 63/22 65/17 68/14 68/16 68/20 69/3 69/8 70/15 74/11 77/20 77/23	moment [3] 28/5 61/3 68/21	negative [1] 8/24
mean [62] 7/24 9/14 9/16 9/24 10/15 11/18 15/5 15/10 15/15 16/3 16/4 17/1 17/9 17/17 17/19 17/21 18/12 18/15 20/22 21/25 22/16 24/7 24/24 25/4 26/8 26/23 28/2 28/13 29/15 30/9 30/13 30/16 30/25 32/2 38/8 40/1 40/5 40/13 41/12 41/23 43/6 44/3 45/2 47/5 47/7 47/15 48/6 48/14 49/18 49/24 49/25 50/6 50/12 51/22 52/1 53/22 54/12 55/5 57/5 60/20 60/24 70/21	month [1] 72/11	neglected [2] 68/20 68/21
means [9] 22/17 47/2 49/16 50/4 50/7 51/4 60/24 61/6 65/13	mood [1] 28/4	neighborhood [2] 14/1 29/13
meant [6] 21/22 49/11 50/8 57/25 60/11 66/24	more [20] 7/19 11/15 11/15 15/18 17/4 30/13 31/11 35/25 37/17 43/12 44/17 56/13 56/19 57/5 58/4 61/19 61/20 63/12 63/24 64/8	neighbors [1] 40/6
mechanics [1] 17/18	Most [1] 43/13	nervous [1] 6/7
medical [2] 20/9 43/8	Motor [1] 73/24	never [4] 25/9 31/22 51/17 56/23
meeting [7] 18/17 47/3 47/4 47/20 47/23 74/18 74/19	move [3] 23/16 27/12 57/11	new [7] 1/1 1/15 1/17 1/24 12/11 52/3 76/5
meetings [5] 18/8 18/12 18/15 18/15 47/21	moved [7] 5/19 13/21 24/21 25/2 38/4 57/10 71/16	New York [1] 1/15
mellow [1] 44/17	moving [4] 6/12 24/15 29/4 64/7	news [1] 70/23
member [2] 5/18 9/10	Mr [31] 4/6 4/21 27/5 30/5 30/8 31/16 32/25 38/14 39/17 40/1 40/11 40/16 40/19 40/23 44/9 44/15 59/17 59/22 67/14 67/16 67/21 67/24 69/6 69/7 69/7 69/24 70/8 70/10 72/15 72/21 73/6	next [3] 26/20 47/15 69/1
members [1] 12/11	Mr. [5] 58/2 67/13 71/3 71/19 72/22	nickels [1] 20/16
memo [2] 23/7 55/18	Mr. Deferio [4] 58/2 67/13 71/3 71/19	nickname [1] 9/16
Memorial [1] 9/18	Mr. Weiner [1] 72/22	night [2] 43/20 47/7
memories [1] 42/17	Ms [1] 54/24	no [44] 1/5 2/9 2/10 2/12 2/14 2/16 2/18 2/20 5/4 7/1 13/3 16/8 16/8 16/8 17/17 18/4 22/7 23/2 33/9 35/6 35/12 35/18 36/8 38/21 45/2 45/15 45/19 47/18 47/18 47/21 51/19 51/21 52/16 52/21 55/1 58/19 61/1 62/1 63/25 64/4 64/4 64/10 75/2 75/4
memory [2] 44/15 69/10	Ms. [1] 48/1	Nobody [1] 27/23
Memphis [1] 1/20	Ms. Gewanter [1] 48/1	nodding [1] 4/18
men [1] 26/13	much [6] 7/23 24/3 26/12 28/15 43/11 50/19	noise [2] 35/4 35/24
mention [2] 29/23 29/23	Museum [1] 5/17	noncooperative [1] 44/16
mentioned [17] 7/20 10/3 10/3 21/8 23/21 24/2 27/5 29/12 31/24 32/1 32/24 38/2 47/8 54/22 55/22 72/2 73/3	music [8] 13/1 13/2 13/3 13/6 35/5 36/3 51/16 51/18	nonprofit [4] 6/22 12/8 12/16 20/15
mentions [6] 25/11 34/11 49/10 57/16 62/16 62/18	must [2] 30/20 44/4	nonsense [1] 26/17
	my [47] 4/5 4/5 5/7 8/8 8/22 11/22 19/17 22/2 27/7 28/2 29/12 30/21 31/10 31/20 31/21 38/1 44/14 44/16 47/22 47/22 50/7 50/8 53/2 53/10 53/23 54/4 58/7 59/12 60/4 63/9 64/2 67/2 68/15 68/17 68/24 69/2 69/5 69/8 70/1 70/18 72/4 72/4 72/9 73/22 74/20 77/18 77/19	normal [3] 42/12 42/17 45/9
	myself [3] 23/7 34/1	normally [2] 10/9 42/15
		Norman [1] 67/16
		north [8] 25/7 36/24 39/9 40/25 45/7 56/14 57/2 71/10
		northern [2] 1/1 65/8
		not [68] 3/18 6/2 9/10 12/17 13/4 15/5 15/16 16/3 17/17 18/13 19/10 20/5 20/23 22/3 22/14 24/3 25/2 26/9 28/4 28/13 28/16 28/16 30/19 30/20 31/23 35/2 36/7 36/8 36/11 38/19 39/25 40/7 40/7 40/20 41/23 41/25 43/5 43/15 43/20 44/12 45/2 45/2 47/11 48/6 49/18 49/21 52/10 53/9

CHRISTOPHER SHEPARD

N	officers [5] 8/12 39/16 39/21 48/21 49/4	organizations [2] 8/4 12/8
not... [20] 55/2 60/4 61/19 61/19 62/20 62/23 63/25 65/4 67/1 67/20 67/22 69/7 70/10 70/22 71/12 71/14 72/20 73/21 74/24 74/24	offices [1] 16/13 official [3] 1/6 1/8 1/9 officials [1] 6/17 oh [16] 4/16 4/16 9/8 14/16 19/17 21/14 23/7 33/15 33/22 34/22 47/5 52/8 54/19 58/9 59/12 64/17	orientation [1] 7/16 other [20] 7/8 9/15 10/6 12/21 21/6 21/12 22/18 26/15 27/9 28/4 28/4 31/15 40/7 40/15 41/13 45/9 47/17 50/20 57/13 70/14
Notary [3] 1/16 76/5 77/25	okay [249]	others [1] 21/25
Note [1] 36/24	on [76] 1/13 4/9 4/14 5/15 6/20 7/1 7/19 8/5 9/14 11/13 12/23 12/25 13/20 14/23 17/14 19/4 19/18 20/21 21/12 23/14 23/17 26/13 28/8 28/12 28/16 30/1 31/8 31/20 32/25 34/25 35/9 35/11 36/24 37/11 38/17 39/8 41/8 41/24 43/4 43/4 45/6 45/20 46/2 46/5 46/11 46/23 47/7 47/11 48/2 48/4 48/16 52/2 52/11 53/7 56/5 56/6 56/15 57/1 57/1 57/2 57/15 58/14 59/24 62/13 62/15 62/18 65/8 65/24 66/23 69/8 70/16 71/9 72/4 73/4 74/3 77/19	our [18] 7/14 9/22 14/9 18/4 18/13 26/2 27/11 29/17 36/3 46/11 47/11 51/11 57/9 60/25 61/18 67/16 73/15 74/7
notes [2] 54/4 76/7		out [28] 5/14 5/20 11/6 11/18 12/4 16/13 18/10 27/17 27/23 28/6 29/16 31/17 31/19 32/5 32/19 34/4 35/3 35/9 36/3 38/10 52/2 56/12 57/12 61/6 69/16 70/25 71/19 74/20
nothing [8] 27/1 37/24 39/25 40/20 40/21 64/18 65/4 69/18		outer [1] 49/21
notice [5] 34/23 53/5 54/3 55/22 74/17		outgrown [1] 6/5
now [12] 9/9 11/18 15/25 16/13 19/15 33/20 43/15 45/22 57/4 60/15 63/22 68/12		outside [1] 31/13
number [16] 11/25 12/7 16/3 19/13 33/21 51/8 51/10 59/3 59/25 62/7 62/13 62/15 62/18 66/9 68/15 69/3		over [14] 5/16 6/18 12/9 19/1 19/25 20/24 23/17 26/19 35/24 38/17 54/10 56/7 56/9 71/16
numerous [1] 15/8		over-caffeinated [1] 26/19
nuts [3] 17/20 18/23 21/21		overly [1] 74/5
nuts-and-boltsy [1] 17/20		own [6] 41/22 41/22 46/2 46/11 57/10 60/25
O	on-ramps [1] 14/23	owned [2] 10/14 10/16
Oakleaf [1] 1/19	once [3] 53/14 63/14 72/25	P
oath [1] 77/18	one [43] 1/15 8/15 11/5 11/14 13/4 14/19 15/25 18/6 22/3 22/15 24/16 25/16 26/8 27/24 29/11 33/6 34/1 34/15 37/23 39/24 42/1 43/18 44/2 45/13 50/19 50/20 51/15 52/15 55/23 55/25 56/16 57/8 58/25 61/16 61/23 62/4 62/11 62/12 64/9 67/16 68/12 69/2 73/23	P.C [1] 1/15
obey [1] 55/10	ones [3] 22/3 39/10 68/12	p.m [2] 1/14 75/5
obeying [1] 37/11	only [5] 25/3 67/2 69/2 70/7 74/6	pace [2] 63/2 63/5
object [38] 8/16 9/3 15/3 16/16 16/23 17/16 17/25 18/11 19/6 21/15 22/12 22/13 24/22 28/25 35/17 37/5 37/16 37/21 37/22 39/18 42/10 44/21 45/8 48/19 49/17 51/6 58/3 59/18 60/18 65/14 66/25 67/10 69/13 70/5 71/20 71/21 72/17 72/18	Onondaga [1] 4/23	pacing [1] 63/8
Objection [1] 35/1	open [1] 13/15	page [18] 2/7 2/7 36/13 51/3 53/11 53/25 54/1 54/3 54/5 54/15 55/20 55/25 56/16 57/15 62/9 62/10 77/1 77/2
objections [1] 3/11	opinion [4] 42/2 44/16 50/7 50/8	Pages [1] 2/2
obnoxious [1] 39/24	opinions [2] 38/20 41/8	paid [3] 7/1 22/7 40/4
obstreperous [1] 39/24	opportunity [1] 28/17	Paige [1] 54/7
obvious [2] 24/11 32/2	opposed [4] 4/15 4/18 38/20 57/12	painting [1] 31/5
obviously [10] 7/6 7/14 10/3 10/14 10/17 11/3 14/7 21/2 32/5 61/11	or [48] 11/14 12/10 14/13 15/9 16/18 18/18 19/9 23/15 25/6 26/14 27/1 31/11 31/16 31/23 32/19 33/3 33/3 34/16 35/9 35/23 37/12 40/4 40/21 41/19 42/7 43/7 43/7 43/12 44/18 45/2 45/5 48/8 48/25 50/4 51/21 51/24 55/7 58/9 61/20 62/19 66/23 72/10 72/10 72/10 72/14 72/15 73/1 74/18	parade [36] 5/22 6/1 6/14 6/18 8/9 13/9 14/19 23/16 24/4 27/17 27/24 27/24 29/3 29/7 30/1 32/19 32/25 33/2 33/23 34/9 36/9 46/24 51/19 51/23 53/7 53/12 53/16 57/6 57/9 57/14 59/4 59/5 59/7 63/13 63/18 73/22
occasionally [4] 20/1 21/11 41/18 41/18	order [10] 11/2 14/4 16/5 18/20 21/4 29/6 39/1 55/12 57/11 71/1	paragraph [9] 24/15 24/19 26/1 28/20 28/21 29/11 29/22 47/2 49/8
occur [3] 16/10 16/14 28/11	ordering [1] 18/24	parameters [3] 37/11 55/10 55/12
occurred [2] 69/17 69/18	ordinary [1] 69/17	paramount [1] 9/23
occurring [1] 39/4	organization [8] 5/10 6/22 10/25 10/25 20/9 22/1 22/22 25/10	parent [2] 41/20 42/1
odd [1] 33/12		Parenthood [3] 31/20 31/21 31/22
off [11] 4/20 14/22 24/16 25/3 33/8 39/22 49/15 65/19 65/21 66/2 66/16		park [10] 13/22 25/7 34/14 34/15 37/9 37/10 41/1 46/25 60/23 62/6
off-ramps [1] 14/22		parking [1] 63/19
offer [2] 9/21 26/12		parks [15] 14/16 16/2 17/19 18/23 19/16 19/23 21/9 21/23 23/9 23/22 24/25 25/12 36/24 50/20
offhand [1] 44/12		
office [8] 1/19 1/22 15/22 15/25 17/5 23/10 32/6 44/24		
officer [17] 27/19 48/14 68/5 68/9 68/10 68/14 68/17 68/19 69/3 69/15 69/23 70/3 70/9 70/15 70/21 71/2 71/13		
officer's [1] 70/11		

CHRISTOPHER SHEPARD

P		
parks... [1]	56/15	
part [7]	6/24 36/4 43/15 46/17 47/12 65/16 72/2	
partially [1]	25/3	
participants [5]	49/1 49/3 60/17 60/21 60/22	
participation [2]	60/10 73/19	
particular [4]	47/19 52/23 66/14 70/4	
particularly [3]	30/9 63/17 68/7	
parties [3]	3/4 3/17 19/8	
party [2]	32/13 32/14	
past [2]	13/18 48/21	
Pat [1]	24/4	
patience [1]	73/15	
patients [1]	32/5	
Patrick [2]	23/22 23/23	
pause [1]	10/15	
pay [1]	38/13	
pending [1]	33/15	
people [46]	7/15 8/11 9/20 10/20 11/2 12/4 13/14 14/15 16/5 16/6 17/6 17/9 17/10 20/23 25/2 25/6 25/17 25/24 26/19 27/1 28/16 28/18 30/25 32/3 32/20 34/15 35/23 38/3 38/19 39/21 40/9 43/21 51/16 51/24 52/11 57/11 57/14 58/11 61/1 61/4 61/6 61/7 61/12 63/13 63/16 63/20	
people's [1]	42/17	
per [1]	25/12	
percent [1]	54/23	
perhaps [2]	31/5 63/23	
period [1]	37/12	
periods [1]	72/13	
permit [23]	15/2 15/25 22/11 34/9 46/10 46/13 48/2 49/4 50/15 53/4 55/5 55/24 58/25 66/9 66/14 68/7 69/24 70/4 71/6 71/12 71/19 71/23 74/12	
permits [5]	17/7 18/19 48/23 49/11 66/20	
permitted [1]	22/22	
permitting [5]	17/5 19/24 23/10 24/1 45/9	
person [5]	8/5 18/17 18/17 73/21 74/5	
personal [4]	30/21 53/23 68/18 69/25	
personally [2]	16/12 27/25	
personnel [1]	74/2	
persons [2]	22/6 73/10	
perspective [1]	15/18	
pertaining [1]	65/3	
Pete [2]	43/3 43/6	
phone [3]	19/1 19/4 22/3	
physical [9]	14/17 49/12 49/16 49/20 67/18 68/2 68/7 69/6 73/6	
physically [1]	38/24	
pick [1]	41/3	
piece [2]	23/16 38/21	
place [8]	15/25 25/3 28/8 42/21 43/1 46/19 73/22 74/21	
placed [2]	35/24 65/24	
Plaintiff [2]	1/4 1/19	
Planned [3]	31/19 31/21	
	31/22	
play [2]	12/17 18/10	
Plaza [5]	5/17 6/6 9/17 13/20 22/18	
please [4]	38/18 55/15 60/3 65/2	
plus [1]	57/16	
point [5]	6/13 26/16 63/14 63/20 73/14	
pointed [2]	31/17 31/18	
pointless [1]	38/19	
points [1]	56/7	
police [49]	1/7 1/7 1/8 1/10 6/3 8/10 8/12 8/14 8/20 8/23 14/18 14/20 16/1 17/1 17/3 19/13 19/19 19/25 21/12 23/25 27/12 27/18 29/8 29/14 39/16 39/21 40/11 48/3 48/7 48/14 48/21 49/2 52/1 55/11 68/5 68/9 68/10 68/13 68/17 68/19 69/3 69/12 69/15 69/23 70/9 70/11 70/15 70/21 71/2	
Polish [1]	13/5	
political [2]	7/5 28/8	
pork [2]	43/2 43/4	
portion [2]	60/16 65/8	
positive [2]	8/15 8/24	
possession [1]	74/23	
possessive [1]	74/5	
possibility [1]	69/5	
potential [1]	53/8	
pounds [1]	67/17	
prayers [2]	11/6 11/8	
precise [1]	49/20	
Precision [1]	1/14	
preclude [1]	47/23	
premises [1]	36/5	
preparation [1]	42/19	
prepared [8]	21/2 52/25 53/2 53/18 53/25 54/1 54/3 55/17	
preparing [1]	38/10	
presence [1]	3/5	
present [2]	11/24 70/7	
presentation [1]	13/6	
presentations [1]	13/7	
president [3]	24/2 24/7 24/7	
pretty [9]	7/23 8/3 26/19 32/2 36/19 38/6 44/2 61/21 61/21	
previous [4]	46/12 49/8 55/24 55/25	
previously [2]	6/16 54/4	
Pride [34]	4/8 4/25 5/13 6/20 7/8 10/4 10/6 11/12 14/4 16/22 17/13 18/7 18/18 19/7 19/8 20/3 20/9 21/18 24/7 31/13 41/24 42/7 44/18 45/5 46/3 46/5 48/8 49/1 49/2 49/13 54/7 72/3 72/14 73/2	
Pride's [7]	7/3 7/13 7/19 8/2 8/14 8/23 74/8	
printed [2]	66/1 66/16	
prior [2]	31/15 45/25	
private [3]	20/13 20/14 68/24	
probably [6]	30/23 32/13 44/6 55/17 63/11 67/17	
problem [1]	51/17	
Procedure [3]	3/15 3/18 3/20	
proceed [1]	29/15	
proceedings [1]	76/7	
process [8]	15/2 15/22 34/19 45/9 51/13 58/11 61/18 74/12	
processed [1]	61/8	
processing [2]	63/22 70/8	
produce [1]	15/15	
produced [1]	18/2	
producing [1]	35/4	
professional [1]	15/5	
professionals [1]	14/10	
prohibited [1]	20/14	
proof [1]	51/12	
proofs [1]	14/7	
property [3]	32/4 50/16 69/8	
Proposed [1]	66/9	
protect [1]	49/5	
Protestant [1]	41/11	
protested [1]	30/14	
protester [1]	32/17	
protesters [3]	30/10 30/11 48/25	
protesting [1]	52/9	
protector [4]	30/13 30/14 30/18 31/11	
protestors [1]	30/1	
protests [1]	31/19	
provide [7]	9/22 13/7 14/7 14/14 40/3 48/2 49/2	
provided [5]	3/14 3/17 26/16 43/2 73/8	
provides [1]	49/4	
proximity [1]	49/1	
PSB [1]	47/24	
public [15]	1/16 6/17 7/5 9/22 13/15 19/13 21/3 37/9 37/9 50/15 53/4 59/12 68/23 76/5 77/25	
punch [1]	26/20	
purpose [3]	7/4 59/15 65/9	
purposes [2]	3/14 48/4	
put [5]	8/5 35/8 35/22 41/2 47/11	
Q		
qualified [1]	31/24	
queens [1]	26/10	
question [7]	4/11 4/17 8/22 21/7 33/15 34/2 62/12	
questions [4]	4/7 35/24 75/2 75/4	
quick [1]	59/24	
quickly [1]	64/8	
quiet [1]	44/15	
quietly [1]	32/15	
quite [5]	7/11 19/20 47/14 67/21 71/15	
R		
raising [8]	5/22 5/25 6/13 13/11 27/10 46/11 46/14 47/9	
raisings [1]	46/18	
rally [1]	11/19	
ramifications [1]	69/20	
ramps [2]	14/22 14/23	
rarely [1]	47/21	
rather [1]	29/7	
re [1]	23/20	
re-cover [1]	23/20	
reach [1]	69/4	
read [6]	3/7 54/12 60/3	

CHRISTOPHER SHEPARD

R	Rensselaer [1] 13/23	S
read... [3] 65/2 77/2	rent [2] 43/13 43/13	S H E P A R D [1] 4/1
77/18	rented [1] 38/12	sac [1] 27/11
reader [1] 49/19	repeatedly [3] 50/13	safe [4] 9/23 55/13 61/6
reading [1] 46/9	60/22 61/10	61/13
reads [1] 65/5	Reporter [3] 1/16 76/4	safely [1] 16/6
real [4] 10/17 43/6 52/4	76/19	safety [6] 6/3 9/22 21/1
59/24	Reporters [1] 1/14	21/3 31/23 52/4
really [26] 7/23 15/17	representatives [1] 18/8	said [16] 8/20 20/15
16/18 17/4 17/9 17/17	request [12] 23/14 25/12	23/24 38/17 46/17 47/14
17/19 20/7 20/22 21/4	25/15 26/2 26/4 47/9 51/3	51/21 55/1 56/14 60/22
26/10 28/14 30/20 31/23	51/7 54/16 60/4 60/6	61/9 69/15 69/22 70/22
32/9 38/11 38/24 38/25	70/11	71/23 74/13
39/23 43/19 53/1 60/16	requested [7] 27/3 27/12	sake [1] 26/6
61/20 67/5 73/21 73/25	54/14 68/11 69/24 70/4	sales [1] 12/14
Reason [1] 59/15	71/13	salts [1] 20/7
Reason/Purpose [1] 59/15	requesting [6] 28/23 34/6	Sam [3] 23/9 23/25 24/15
reasonable [3] 44/15	34/12 36/17 59/10 68/22	same [21] 19/21 28/11
63/13 73/15	requests [3] 46/10 48/2	37/8 44/7 50/3 50/12
reasonably [2] 20/19	51/3	50/25 51/22 51/22 52/18
42/16	required [2] 34/8 53/12	53/3 54/20 54/21 56/8
reasons [1] 6/3	requirements [1] 51/11	56/9 56/11 57/15 59/7
recall [15] 16/18 23/11	reserved [3] 3/11 50/17	63/14 76/7 76/8
31/25 39/15 40/10 40/18	50/19	sandwich [1] 40/4
40/23 42/23 46/11 47/19	residence [1] 53/6	Santa [1] 74/7
53/1 53/18 53/24 67/1	residential [2] 29/13	save [1] 43/12
68/3	29/16	saw [2] 48/12 74/17
receipt [1] 3/8	respect [2] 3/20 17/12	say [23] 11/1 11/22 13/9
reception [1] 8/6	respective [1] 3/4	22/14 24/6 24/12 27/20
recklessly [1] 9/24	responsible [1] 24/3	31/5 31/18 32/8 33/2
recognize [6] 45/18 52/20	rest [1] 17/20	40/20 41/5 42/5 45/2 47/7
58/22 62/4 64/13 64/18	restrained [1] 39/25	48/10 50/14 63/23 64/21
recognized [1] 13/10	resubmit [1] 18/14	67/12 73/14 74/11
recollection [1] 70/1	result [1] 41/16	saying [6] 10/16 18/19
recommendation [1] 23/14	retire [1] 19/20	42/4 54/24 61/11 74/5
record [12] 4/5 24/13	retired [1] 19/12	says [15] 24/24 25/12
33/8 59/5 60/3 65/19	retooled [1] 36/10	34/17 34/24 36/24 46/10
65/21 65/24 66/4 68/24	reunion [4] 50/21 50/21	47/6 48/1 48/16 48/16
77/19 77/19	50/23 50/24	50/4 54/15 55/15 59/15
recruit [2] 12/11 14/6	reversing [1] 29/6	60/5
recruited [1] 73/21	reviewed [2] 44/3 54/10	scare [1] 32/4
redacted [1] 68/17	right [54] 6/4 6/19 10/2	scared [1] 43/7
Referee [1] 3/5	10/22 10/22 11/11 15/7	scene [1] 28/7
reference [1] 30/2	15/17 15/17 17/23 18/3	school [1] 41/20
referred [2] 48/18 59/5	20/9 21/6 22/8 22/8 22/24	second [9] 5/7 24/14
referring [11] 30/8 34/18	24/18 24/23 25/2 26/12	24/15 29/5 47/2 49/22
34/18 35/4 35/15 35/19	26/25 28/18 29/11 30/12	55/2 65/20 72/4
36/1 47/20 48/1 50/4	30/12 30/15 31/12 34/12	secondhand [1] 31/4
59/17	34/24 35/12 36/15 36/23	secretary [1] 24/5
refreshments [1] 63/10	42/5 43/16 47/13 47/13	sections [1] 3/19
refused [1] 71/15	52/7 52/10 53/17 54/22	security [7] 25/1 25/18
regard [5] 31/24 54/23	55/4 58/6 58/12 58/17	31/23 34/18 36/25 39/10
55/4 59/11 67/12	59/24 62/12 62/15 62/15	57/16
regarding [8] 16/12 17/6	64/4 64/13 67/6 71/1	see [11] 24/18 27/15
21/8 45/6 54/24 65/1 71/1	73/13 74/15	43/12 45/19 48/7 58/17
72/15	rights [3] 3/17 26/13	62/16 64/16 65/18 67/20
regardless [1] 7/15	45/23	70/16
regards [2] 58/1 66/13	ring [1] 45/1	seeing [2] 10/18 67/1
registered [1] 6/22	Roach [2] 23/9 23/21	seem [2] 46/20 46/20
regular [2] 31/17 31/19	Rochester [2] 20/3 20/8	seemed [1] 44/17
regulated [1] 12/14	Roman [2] 28/12 32/14	seems [2] 56/19 63/22
regulating [1] 17/21	room [3] 1/23 26/14 63/9	seen [3] 53/3 53/13 73/25
related [5] 49/13 60/8	rotates [1] 10/24	self [2] 10/18 48/5
60/12 60/16 69/16	route [17] 14/18 14/21	self-explanatory [1] 48/5
relation [2] 8/14 66/19	26/3 27/17 27/21 27/24	self-interest [1] 10/18
relationship [6] 8/2 8/20	29/3 30/1 32/19 32/25	selling [1] 25/23
8/23 8/25 10/12 16/21	33/2 52/3 53/7 53/12	send [5] 15/19 15/24
religious [4] 1/19 10/25	53/16 56/8 56/9	16/13 24/10 55/15
10/25 28/3	row [1] 12/12	sending [1] 46/5
remarkably [1] 62/7	rubrics [1] 11/4	sense [6] 16/9 19/3 29/20
remember [9] 14/19 19/15	Rules [3] 3/15 3/17 3/19	48/13 57/24 63/24
25/8 38/8 42/1 44/8 47/6	run [7] 12/9 12/13 14/11	sent [1] 23/20
63/25 72/11	16/1 17/15 40/7 60/25	sentence [2] 26/1 50/3
reminder [1] 48/9	running [1] 10/10	separate [1] 5/25
remove [1] 71/13	runs [2] 7/1 12/16	separated [1] 6/13
removed [1] 28/7		September [3] 44/6 72/10

CHRISTOPHER SHEPARD

S		
September... [1] 74/18	51/18 51/24 55/2 56/5	step-off [1] 24/16
Sergeant [7] 1/9 19/11	63/11	stepped [2] 5/8 74/6
19/19 23/8 23/8 23/25	someone [7] 13/8 43/7	steps [1] 28/7
28/24	46/15 48/8 52/25 53/1	stereotypes [1] 8/11
servant [1] 17/8	54/11	stereotypical [1] 8/21
serve [1] 49/5	someone's [1] 66/16	still [5] 5/3 7/10 7/10
service [8] 10/8 10/23	something [13] 9/19 11/3	9/3 9/6
11/2 11/9 28/2 28/9 73/9	17/22 18/5 25/7 29/25	STIPULATED [5] 3/3 3/6
73/10	34/23 40/2 46/21 49/22	3/10 3/13 3/16
set [2] 22/20 51/19	58/23 59/6 63/3	STIPULATIONS [1] 3/1
setup [1] 60/7	sometimes [4] 14/12 14/12	stones [1] 43/5
several [6] 16/5 19/24	38/25 47/15	stop [2] 5/6 63/15
26/5 26/15 29/13 60/13	somewhere [4] 36/18 48/7	story [1] 12/19
sexual [1] 7/15	48/12 70/18	straights [2] 7/17 7/17
shall [3] 3/7 3/18 3/20	sorry [14] 16/11 21/16	streamlined [2] 15/22
she [13] 43/22 45/23	23/1 33/15 34/22 47/4	16/14
45/25 46/5 47/10 48/1	51/21 62/10 62/15 63/1	streamlining [1] 16/14
49/11 49/15 50/4 50/4	69/22 70/25 72/3 72/14	street [16] 1/23 13/21
50/8 52/10 55/17	sort [3] 22/20 27/2 69/19	18/24 27/12 31/20 33/3
she's [2] 47/7 50/4	sorts [4] 17/11 28/14	33/4 45/7 52/2 57/13
shelters [1] 50/20	32/6 69/20	57/13 63/19 65/9 70/8
SHEPARD [5] 1/13 2/2 77/1	sought [1] 51/4	71/8 71/17
77/18 77/22	sound [7] 34/24 44/4	streets [2] 13/23 23/18
Shepherd [1] 4/21	49/12 49/16 51/14 54/16	Streisand [1] 44/1
short [2] 25/9 61/21	65/10	strictly [1] 12/13
shorts [1] 39/2	sounds [1] 51/21	strike [1] 56/12
should [2] 26/2 77/2	sour [1] 38/21	strut [1] 12/3
shouldn't [2] 10/15 31/18	south [2] 57/3 71/16	stuff [12] 12/4 13/6
shout [1] 27/8	space [3] 6/6 26/16 71/24	15/14 17/7 17/18 17/20
show [5] 12/3 41/19 45/12	spaces [3] 49/12 49/16	17/24 20/24 22/20 39/7
48/25 60/25	49/20	43/10 43/13
showed [1] 59/1	Spanish [1] 26/22	style [1] 49/20
showing [2] 53/16 57/11	SPD [1] 28/24	subject [3] 26/13 46/10
shrift [1] 61/21	speak [4] 7/23 9/9 38/21	73/2
side [11] 21/12 39/9 45/7	46/16	submit [4] 15/6 36/18
56/14 57/1 57/2 57/3	speakers [2] 35/8 35/12	36/19 55/8
58/14 65/8 71/10 71/16	speaking [4] 35/8 35/16	submitted [1] 68/23
sidebar [1] 73/22	40/10 41/15	successful [1] 10/18
sidewalk [3] 33/3 36/24	speaks [2] 52/8 52/9	such [1] 46/18
56/14	specific [8] 17/24 30/13	sudden [1] 14/22
sidewalks [7] 26/3 34/11	37/17 48/10 56/13 56/19	suggestion [2] 48/8 48/9
35/9 35/13 39/8 45/6 57/2	58/4 67/11	Suite [2] 1/15 1/20
sign [3] 3/7 32/11 60/5	specifically [4] 17/3	summary [1] 37/19
signage [1] 41/9	39/4 39/6 40/11	summer [2] 31/8 72/5
signature [3] 53/2 64/3	specificity [1] 56/21	supporting [1] 15/14
77/1	speculate [1] 67/23	supportive [1] 41/21
signed [4] 53/9 53/9	speech [1] 42/3	supposed [3] 9/5 27/23
54/12 54/13	spent [1] 68/8	28/3
similar [2] 36/19 62/7	spike [1] 20/6	sure [40] 4/10 4/19 4/19
since [3] 38/4 51/23	spoke [1] 69/23	6/4 9/23 16/7 20/5 25/20
55/17	sponsoring [1] 74/8	25/24 26/18 27/19 29/4
single [1] 47/12	sponsoring [1] 10/24	29/8 29/17 30/20 31/2
site [1] 60/7	spring [1] 42/19	32/7 32/23 35/2 36/7
situation [3] 27/2 28/11	squad [1] 20/12	36/19 38/23 40/2 40/8
65/24	St [1] 27/21	43/1 44/3 44/5 45/3 49/3
situations [2] 26/6 48/24	staff [4] 7/1 14/10 20/9	49/11 51/18 54/12 54/24
six [3] 12/10 25/5 25/6	22/7	58/11 60/9 60/25 61/13
skateboarding [1] 22/19	stage [1] 43/22	63/7 65/5 72/20
skills [1] 74/2	stages [2] 12/15 12/25	surrounded [2] 26/8 26/9
smack [1] 41/13	staging [3] 46/24 59/4	surrounding [1] 26/3
small [5] 5/15 6/25 20/15	59/6	SWEENEY [1] 1/7
40/6 73/23	standby [1] 20/21	sworn [2] 4/2 77/23
smoke [1] 39/2	start [2] 4/20 40/12	SYRACUSE [12] 1/2 1/6 1/7
snide [1] 41/17	started [6] 5/14 11/18	1/8 1/10 1/15 1/22 1/24
so [143]	27/1 36/3 42/13 71/11	9/16 13/21 20/6 44/25
soaking [1] 67/18	starting [1] 56/6	systems [1] 34/24
some [26] 4/9 6/9 7/9	starts [1] 29/23	
14/22 18/18 21/19 23/17	state [9] 1/17 13/20	T
26/16 26/16 27/5 28/23	14/22 18/4 23/15 38/5	table [1] 57/8
41/17 42/20 42/20 43/2	52/3 73/24 76/5	take [8] 10/11 22/25 23/5
43/20 44/1 44/2 51/12	statement [2] 35/12 58/6	30/25 33/6 45/14 53/20
63/16 64/7 67/2 67/3	STATES [1] 1/1	73/21
67/14 67/23 73/5	status [3] 64/21 66/13	taken [1] 77/18
somebody [11] 20/21 21/4	72/21	takes [1] 42/21
22/2 30/23 31/10 32/10	stenographic [1] 76/7	taking [2] 28/8 42/1
	step [1] 24/16	talk [1] 46/23

CHRISTOPHER SHEPARD

T	64/7 65/25 71/25	60/13
talked [6] 14/20 17/2	they [54] 6/2 6/5 6/21	tipsy [1] 39/22
17/3 18/19 20/11 37/1	6/21 7/10 8/6 9/13 9/21	today [5] 38/2 50/13
talking [3] 35/18 35/19	10/12 10/20 10/20 11/5	68/13 70/17 74/16
36/3	11/8 12/1 12/1 12/2 14/17	TODD [1] 1/24
telephone [2] 21/13 68/15	14/20 14/24 16/1 17/21	together [1] 52/22
tell [15] 4/20 6/25 10/23	17/23 18/5 18/13 20/12	toilet [1] 26/25
11/11 16/3 23/6 23/6	23/17 25/4 25/4 25/17	toilets [2] 38/11 38/12
24/19 26/18 29/14 40/24	25/19 29/9 29/9 29/16	token [1] 51/22
46/18 49/19 50/8 56/2	43/1 44/6 46/17 47/22	told [5] 7/24 13/19 46/15
ten [2] 35/23 37/6	48/3 48/11 49/5 51/16	68/10 71/7
Tennessee [1] 1/20	52/6 55/10 56/7 58/11	ton [1] 42/18
tent [2] 12/13 12/19	63/14 71/5 71/5 71/9	Tony [1] 4/6
term [5] 5/7 72/4 72/4	71/14 71/16 74/1 74/8	too [5] 10/21 35/10 39/22
72/9 73/17	74/24	56/23 57/9
terrible [1] 26/24	they're [16] 9/21 15/15	took [3] 54/3 68/2 76/7
terribly [1] 44/4	17/21 18/13 22/18 29/16	top [2] 35/24 52/11
terrified [1] 6/9	30/11 32/20 38/12 39/23	topic [1] 44/12
terrifying [1] 20/7	40/4 41/19 53/7 61/20	totally [2] 43/23 64/4
tested [1] 73/15	63/21 74/24	towards [1] 10/10
testifies [1] 4/2	thing [13] 4/8 7/1 15/20	town [4] 5/19 10/13 40/6
testimony [2] 77/18 77/19	17/5 18/21 26/20 28/15	73/23
than [6] 7/2 11/15 11/15	33/20 41/24 44/7 50/25	traffic [2] 10/21 53/8
40/15 45/9 56/20	53/3 53/13	transcript [4] 3/8 3/9
that [371]	things [15] 14/4 14/24	77/18 77/19
that's [38] 7/24 10/8	32/6 35/25 38/9 41/2	transcriptionist [1] 4/14
12/13 17/19 20/20 27/2	41/12 42/13 42/23 47/17	translator [1] 41/11
27/11 32/9 32/10 32/17	51/25 67/4 68/22 70/14	treasurer [1] 38/13
34/22 35/25 36/11 36/25	74/21	triage [1] 74/1
36/25 37/1 40/15 41/23	think [24] 8/3 13/3 17/1	trial [1] 3/12
42/17 43/13 46/21 47/18	18/1 18/5 18/16 18/16	tripped [1] 43/4
48/5 49/6 50/2 50/21	24/12 25/4 27/13 29/4	troupe [1] 13/4
55/13 56/3 56/3 56/15	36/1 37/6 38/2 48/5 48/11	truck [1] 51/16
56/16 57/24 63/6 67/6	49/21 52/8 55/7 57/3	true [3] 76/8 77/19 77/20
67/6 70/1 71/1 74/25	58/15 61/19 69/1 74/25	truncated [1] 60/9
their [18] 5/1 7/12 7/15	thinking [1] 61/3	try [3] 14/9 27/8 64/7
8/9 12/4 12/11 12/16 13/6	third [6] 24/19 54/1 66/5	trying [9] 12/13 25/4
20/10 29/17 31/7 32/4	70/6 72/8 73/1	32/20 41/21 48/6 51/19
41/21 41/22 42/1 43/2	third-hand [1] 70/6	51/24 58/11 61/13
43/4 48/23	this [128]	turn [5] 26/17 28/3 28/4
them [13] 7/9 9/15 17/12	thoroughly [1] 29/8	36/12 55/19
18/14 18/14 27/22 29/18	those [25] 5/24 5/25	TWD [1] 1/5
39/22 40/3 43/1 46/20	12/25 14/24 15/19 18/2	twice [2] 53/14 53/15
51/25 54/4	19/5 21/13 21/18 22/3	two [9] 5/1 5/24 5/25
then [12] 6/17 7/23 12/15	22/6 26/24 27/6 31/2 32/5	10/12 12/15 19/12 20/16
16/1 29/21 53/11 57/4	34/13 47/21 48/4 49/4	62/13 72/12
57/13 62/18 66/9 71/15	51/4 55/11 65/2 69/19	type [10] 28/11 31/23
74/15	72/12 74/22	43/2 43/17 53/13 65/25
there [73] 4/9 7/8 8/25	though [2] 42/4 63/22	67/2 67/3 67/14 73/5
9/22 11/1 11/4 11/25	thought [4] 35/3 46/13	types [1] 14/24
11/25 12/3 12/10 12/12	63/12 74/2	
12/23 14/15 16/1 19/10	thousand [2] 13/14 16/5	U
19/11 19/21 19/21 20/4	three [4] 14/11 14/12	uh [10] 4/10 21/10 25/14
20/6 20/9 20/21 21/17	19/12 19/15	34/20 35/14 51/19 55/21
21/25 22/19 23/16 25/1	through [15] 7/9 14/9	60/1 62/17 71/4
25/6 25/17 27/19 27/22	15/8 20/18 27/16 28/17	Uh-huh [9] 4/10 21/10
27/24 28/15 28/19 29/13	32/18 44/6 44/14 52/4	25/14 34/20 35/14 55/21
30/20 31/4 32/8 32/12	61/18 63/12 63/21 64/7	60/1 62/17 71/4
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38/3 38/5 40/5 43/10	20/21 39/21	51/20
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CHRISTOPHER SHEPARD

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CHRISTOPHER SHEPARD

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White, Sam

From: chris shepherd <syrvmguy@hotmail.com>
Sent: Monday, June 16, 2014 10:27 AM
To: White, Sam; Naylor, Patrick; Roach, Mary Beth
Cc: The Rev. Doctor Bruce Carter; Jayme Martin; pkehoe@live.com
Subject: Pride Parade 6/21/14
Attachments: Parade Neighbors Notice.doc

Importance: High

I am waiting for an email with your insurance certificates naming the City as an additional insured for the Parade and festival which I expect to have shortly and will forward immediately to you.

This confirms that Sam White from the City of Syracuse and I have discussed moving the stop off location one block westward for this parade owing to construction and access at 690/W. Genesee offramp near Plum Street. I understand and we both agree to this change in the interest of safety.

This should leave unchanged our request use of the sidewalks at the end of the route surrounding the immediate perimeter of the entrance to Inner Harbor Park, as we have added security there per a request from the city Parks Department.

I do need some professional guidance from SPD on redirecting the staging/sign in of the parade and if Sgt Naylor or a responsible designee would please discuss this with me I would be grateful. 380-6445 cell or 435-2411.

It appears the following becomes our revised route.... This does pass two residential units on Leavenworth...and I do need advice on that, too.

- The same area of Belden/Plum for line-up just turned 180 degrees to walk down Belden to Leavenworth,
- One block on Leavenworth,
- one block W Genesee,
- then the remainder on Van Rensselaer.

Let me also mention again the need for the officers who work this assignment to be vigilant about the small number of individuals or protesters intruding on the parade route as happened in 2012 when this general route for the parade was last used.

Attached is the notice we deliver Thursday/Friday along the Parade route, revised for this year.

THANK YOU both for your assistance and I look forward to continuing to work well with you.



PERMIT # _____

**SYRACUSE POLICE DEPARTMENT
PARADE/PUBLIC ASSEMBLY PERMIT
(CITY ORDINANCE SECTION 16-35)**

Requesting Organization: <u>CNY PRIDE, Inc.</u>	Name of Applicant/Representative <u>Chris Shepherd, Chair Parade</u>
Address: <u>PO BOX 8, Syr. NY 13211</u>	Address: <u>212 W. Molloy Rd Syr. 13211</u>
Phone Business: <u>315-254-2386 / 315-380-1720</u>	Phone Business: <u>315-435-2411</u>
Phone Home:	Phone Home: <u>315-380-6445</u>
E-mail <u>contact page@cnypride.ny.com</u>	E-mail <u>syrvmaquy@hotmail.com</u>

Date of Application: 6-6-13 Reason/ Purpose of Application: Annual Parade

PARADE APPLICATION:

Formation location: Belden & Plum Streets Dispersal location: Inner Harbor Park

Day/Date: SAT JUNE 21 Start Time: 10am Finish Time: 1130

Parade Route: see attached

Continued _____ Sound System: YES _____ NO _____

Estimated Number of Participants: 400 # of Motor Vehicles (See requirements on reverse): 5

PUBLIC ASSEMBLY APPLICATION:

Explain the Public Assembly (concert, protest, demonstration etc) as part of above

Date(s) of Assembly: SAT JUNE 21 Start Time: 11AM Finish Time: 5 PM

Location(s) of Assembly: Side walks bordering Kirkpatrick Street @ Inner Harbor Park for security.

Expected # of Participants:
Estimated Maximum # 1000
Estimated Minimum # 3500

Sound System: YES X NO _____ Speakers, names: 4 speakers @ sidewalk

Date of Issuance _____

Special Events Section C. O. _____

Uniform Bureau Deputy Chief _____

***** Police Stipulations _____ if checked see attached sheet

PC - 0284 - 14



NOTICE TO PARADE/PUBLIC ASSEMBLY PERMIT APPLICANTS

Applicant/Authorized Representative, please be advised that the Syracuse Police Department does not provide police services free of charge for Parades/Public Assembly's where officers have to be brought in to cover the event. There will not be a charge for Police services when the Department determines that based on the size or type of event, routine patrol functions are sufficient. The Special Events Section will review the Police deployment and associated costs with the applicant (via telephone or face to face meeting) before the permit is issued.

The expense for each Officer will be based on the current hourly overtime rate. The number of officers assigned to an event will be determined by the Police Department taking into consideration the type of event, location of event, alcohol being served, the number of participants and the level of street usage approved for the event. The event organizer will be required to reimburse the Syracuse Police Department for Police deployment associated with the event within 30 days of receiving the invoice for services rendered.

The Syracuse Police Department shall determine if the Parade/Assembly requires the closure of the entire street, 1/2 the street or no closure of the street. Participants may be directed to use the sidewalk, based on the day of the week, time of day, and participant's safety.

Two events will not be allowed to use the same route/assembly location without written permission of both requesting organizations and the approval of the Syracuse Police Department.

VEHICLE PARTICIPATION

Any motor vehicle participating in the any parade or public assembly must meet all New York State Vehicle & Traffic rules & regulations including valid registration, current insurance coverage, current NYS Inspection and the vehicle must be operated by a driver licensed to operate the type of motor vehicle involved. Proof of this requirement must be available for all vehicles and all drivers at the time of the event and must be produced if a Syracuse Police Officer so requests. Any motor vehicle or driver who does not have such proof on the day of the event will not be allowed to participate in the event. ✓

This permit can be revoked due to emergency conditions that may arise before or during the course of the event for which granted, or for violations of any of the following regulations.

- 1) The applicant should carry a copy of this permit on his/her person during the event and will be designated as the contact person available to Police Officers for the transmission of messages or directions to all persons participating or attending the event. If the applicant is not going to be on scene then another individual must carry the permit and make his position known to the Police Officers on scene.
- 2) All persons participating in or attending the event shall obey the lawful commands of any Police Officer and shall conduct themselves in a lawful manner at all times.
- 3) Parades/processions will proceed at a constant pace and shall not be stopped (unless agreed to in advance, with the Police) except upon direction of the Police.
- 4) All sections/groups in a parade/procession shall remain in close proximity to each other and will not step out of line to perform independent maneuvers.
- 5) The normal flow of traffic shall not be deterred except in instances where a Police Officer performs this disruption.
- 6) If the actual number of participants exceeds the estimated maximum number of participants to the point where the Syracuse Police Department feels the assigned police coverage is not adequate to provide for a safe environment for the participants or the public in general, the Police Department can, at its discretion, delay or cancel the event if.

Contact information:

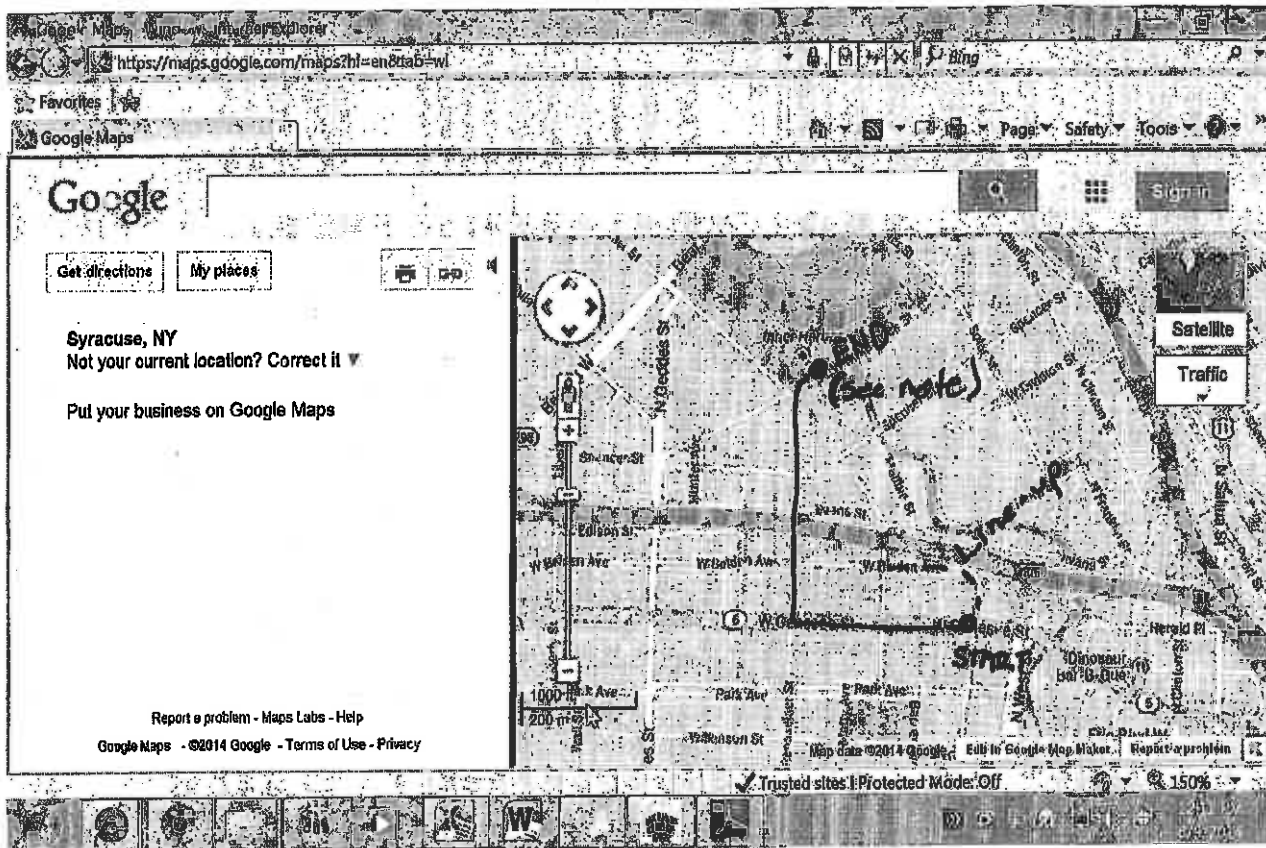
Name: Chris Shepherd Address: CNY PridePol660s Syr 13217

Telephone Daytime: 315-435-2411 Other Telephone: 315-380-6445

E-mail: syrrvm guy@hotmail.com

Signature: [Signature] Title: Parade Chair

PC-0284-14



Same route used 2012.

Barricades needed at Belden, Spencer, Kirkpatrick St.

note. Sidewalk area on North side of Kirkpatrick across from Parks Facility needed for security

Long, Todd

From: Barrie Gewanter <bgewanter@nyciu.org>
Sent: Friday, June 05, 2015 7:15 PM
To: pkluge@syracusepolice.org; White, Sam
Cc: bholtman@syracusepolice.org; josephdoyle@syr.gov.net; chris shepherd;
dbcarter@syr.edu; jsweeney@syracusepolice.org
Subject: Draft Permit REquests for Pride Flag Raising, Parade, Line Up, and Portion of Sidewalks adjacent to Driveway Into Festival
Attachments: CNY Pride.2015.Draft Permit Req 1.Flag Raise 6.15.pdf; CNY Pride.2015.Draft Permit Req 2.Street Close for Line Up & Parade6.20.pdf; CNY Pride.2015.Draft Permit Req 3.Sdwalk Next to Fest Drvwy.6.20.pdf

To: Officer Kluge - Syracuse Police / Sam White - Syracuse Permits Office
CC: Lt. Holtman - Syracuse Police / Joe Doyle - Corporation Counsel / Chris Shepherd & Bruce Carter - CNY Pride

Officer Kluge and Mr. White,

We have an appt for a meeting with you at Police HQ on Monday at 10am to review the permit requests for the Pride Flag Raising and Parade.
This email should serve as confirmation of that meeting. The attachments are documents for discussion at this meeting.

We all agreed to this meeting to ensure that the language on the permit requests will provide the police with the bases they need for law enforcement purposes on those days.

We wanted to make sure that the permits clearly delineate the physical and sound spaces for which CNY Pride is looking for exclusive use during the related events. We also wanted to ensure continuity of communication given changes in personnel and permitting processes over the years.

Additionally, in the past, police command officers deployed for this detail have indicated that the language in the permits are crucial to their ability to deal fairly and effectively with situations created when counter protestors show up with a bullhorn or attempt to be in close proximity to Pride participants. We greatly appreciate the assistance the police provide to Pride participants during the parade and festival. We want to make sure that the permit language provides these officers with what they need to protect and serve everyone that day.

In preparation for this meeting, please find the attached draft permit requests. I will also bring 4 hardcopies of these permit requests with me.

Request 1 - Is an Assembly Request for the flag raising on Monday June 15. This includes a request for exclusive use of sound amplification during this event.

Request 2 - Is a Street Closing Request Forms for the Parade Line Up on Plum and W. Belden AND the related Assembly and Parade Permit Request. Note: We are working on the insurance certificate, and will bring a check for the street closing application fee with us on Monday. This includes a request for exclusive use of sound amplification during this period.

Request 3 - Is an Assembly Request for a portion of the sidewalks on either side of the Driveway into the Festival in Inner Harbor Park on the N. Side of Kirkpatrick. Note that we are not asking for the City to close the entire sidewalk adjacent to the Festival on Kirkpatrick, only 15-20 feet on either side of the driveway. Any counter protestor could still stand on the sidewalk and express their message, just not right on top of the people coming into and leaving the festival at the driveway entrance. This should reduce the kind of friction and confrontation that has occurred at that location in past



years that has required police attention. Any such counter-protester would still have adequate proximity to his intended audience, but constitutional precedent doesn't require that such a counter-protestor be allowed to be immediately adjacent to his audience. This request also includes a request for exclusive use of sound amplification during the Festival hours.

We look forward to the discussion on Monday

Barrie

Barrie Gewanter
Director - Central NY Chapter
of the NY Civil Liberties Union (ACLU)
731 James St., Suite 205
Syracuse, NY. 13203
bgewanter@nyclu.org
www.nyclu.org/regions/central

Check out our chapter's Facebook page! <https://www.facebook.com/cnyclu>



PERMIT # _____

SYRACUSE POLICE DEPARTMENT
PARADE/PUBLIC ASSEMBLY PERMIT
(CITY ORDINANCE SECTION 16-35)

Requesting Organization: <u>CNY PRIDE, INC</u>	Name of Applicant/Representative <u>CHRIS SHEPHERD, CHAIR OF PARADE</u>
Address: <u>P.O. BOX 6608</u>	Address: <u>212 W. MOULT RD</u>
<u>SYRACUSE, NY 13217</u>	<u>SYRACUSE, NY 13211</u>
Phone Business: <u>315-254-2386/380</u>	Phone Business: <u>315-435-2411</u>
Phone Home: <u>1720</u>	Phone Home: <u>315-380-6445</u>
E-mail <u>contactpage@cnypride.wikilam</u>	E-mail <u>SYRVm guy@hotmail.com*</u>

Date of Application: 6/6/15 Reason/ Purpose of Application: ANNUAL CNY PRIDE PARADE

PARADE APPLICATION:

Formation location: W. BELDEN + PWM ST Dispersal location: INNER HARBOR PARKDay/Date: SAT JUNE 20, 2015 Start Time: 10:00 AM Finish Time: 11:30 AMParade Route: SEE ATTACHED MAP - W. GENESEE TO VAN RENSSELAERContinued TO W. KIRKPATRICK Sound System: YES ☒ NO ☐Estimated Number of Participants: 4-500 # of Motor Vehicles (See requirements on reverse): 8-10

(WE REQUEST EXCLUSIVE USE OF SOUND AMPLIFICATION ALONG PARADE ROUTE, ON KIRKPATRICK AND

PUBLIC ASSEMBLY APPLICATION: ON VAN RENSSELAER AT END OF PARADE PERIOD ANDExplain the Public Assembly (concert, protest, demonstration etc) AT DISPERSAL POINTDate(s) of Assembly: SAT JUNE 20 2015 Start Time: 10:00 Finish Time: 11:30Location(s) of Assembly: PWM ST AT
PWM + W. GENESEE TO W. BELDEN
AND W. BELDEN TO KIRKPATRICKExpected # of Participants: 4-500
Estimated Maximum # 500
Estimated Minimum # 350Sound System: YES ☒ NO ☐ Speakers, names: _____
WE REQUEST EXCLUSIVE USE OF SOUND AMPLIFICATION WITHIN AND ADJACENT
TO PERMITTED AREA DURING
SPECIFIC TIME

Date of Issuance _____

Special Events Section C. O. _____

Uniform Bureau Deputy Chief _____

***** Police Stipulations _____ if checked see attached sheet

* PLEASE SEND COMMUNICATIONS ALSO TO bgewanter@nycdo.org

PC-0329-15

NOTICE TO PARADE/PUBLIC ASSEMBLY PERMIT APPLICANTS

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This permit can be revoked due to emergency conditions that may arise before or during the course of the event for which granted, or for violations of any of the following regulations.

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- 2) All persons participating in or attending the event shall obey the lawful commands of any Police Officer and shall conduct themselves in a lawful manner at all times.
- 3) Parades/processions will proceed at a constant pace and shall not be stopped (unless agreed to in advance, with the Police) except upon direction of the Police.
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Contact information:

Name: CHRIS SHEPHERD Address: CNY PRIDE P.O. BOX 6608 SYRACUSE, NY 13217
Telephone Daytime: 315-435-2411 Other Telephone: 315-380-6445
E-mail: Syrvmguy@hotmail.com and bgewanter@nycd.org
Signature: Chris Shepherd Title: PARADE CHAIR

PC-0329-15

DRAFT

NOTICE

~~Tomorrow, Saturday, June 20th, the Annual CNY Pride Parade will be held.~~

Between 10am and 11:30am tomorrow, the participants in the Pride Parade will assemble and line up on Plum Street (from W. Genesee to W. Belden) and on W. Belden St (from Kirkpatrick to Plum). These streets will be temporarily closed for this purpose during that time. CNY Pride has sought and received a permit from the City to do this.

The Pride Parade will begin between 11am and 11:15am on W. Genesee at Plum Street. The Parade will progress west along Genesee in the 600 and 700 blocks of W. Genesee Street, and then turn right on Van Rensselaer Street to proceed towards the Inner Harbor Park and Amphitheatre on Kirkpatrick Street. CNY Pride has sought and received a permit from the City to do this.

The Syracuse Police Department will close the westbound lanes of traffic on W. Genesee in these blocks for a few minutes before 11am until the last parade participants have turned onto Van Rensselaer St. The parade should pass through this point by 11:30am.

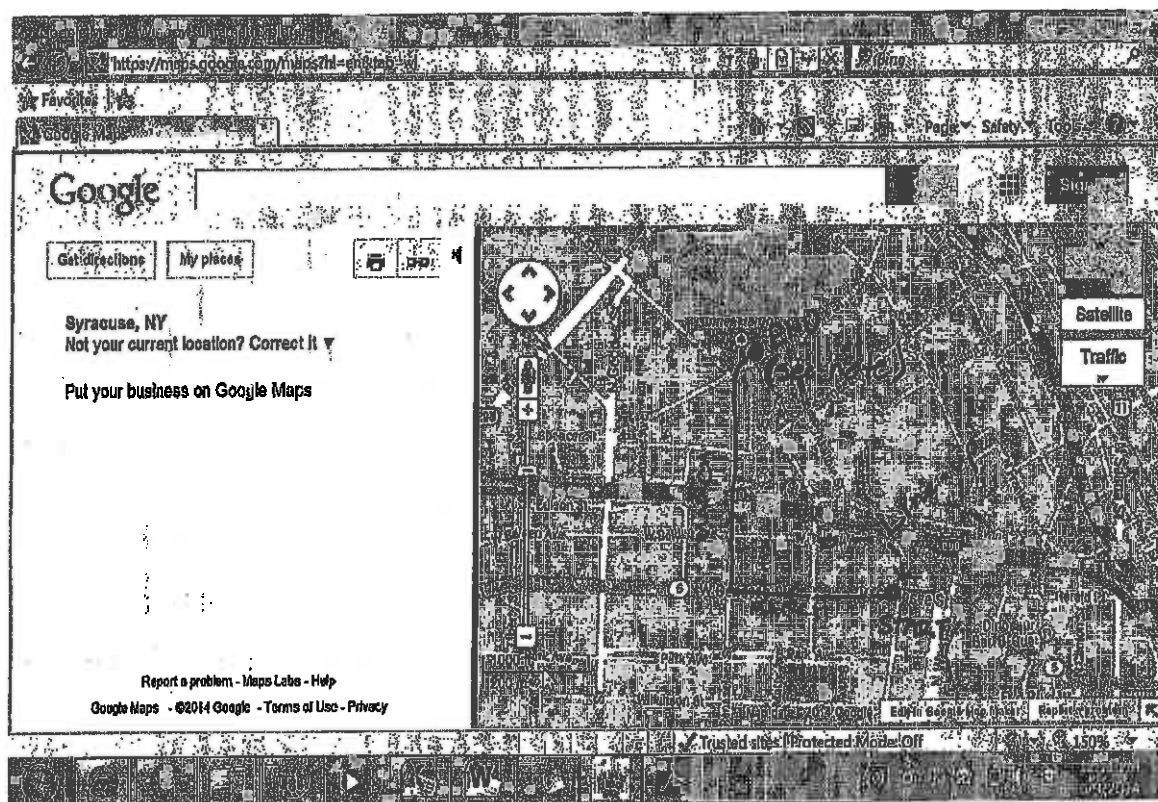
Following the parade, there will be a lively Festival at the Inner Harbor Park. This will include musical acts, a comedian, and numerous vendors and food booths. You are most welcome to drop by.

Dr. Bruce Carter, President CNY Pride Inc.

Christopher Shepherd, Parade Chair

PC-0329-15

PC-0284-14



PC-0329-15

Same route used 2014

Barricades needed at Belden, Spencer, Kirkpatrick St.

Note. Sidewalk area ^{20 feet on either side of driveway} on North side of Kirkpatrick ^{TO INNER HARBOR PARK}
~~Security~~ needed for security + FIRST AMENDMENT ACTIVITIES

DURING PARADE + FESTIVAL HOURS



PRIDE
3
REQUEST

PERMIT # _____

SYRACUSE POLICE DEPARTMENT
PARADE/PUBLIC ASSEMBLY PERMIT
(CITY ORDINANCE SECTION 16-35)

Requesting Organization: <u>CNY/PRIDE, INC.</u>	Name of Applicant/Representative <u>CNY/PRIDE BOARD + CHRIS SHEPHERD, CHAIR, PARADE</u>
Address: <u>P.O. BOX 6608</u>	Address: <u>212 W. MOUNTAIN RD</u>
<u>SYRACUSE, NY 13217</u>	<u>SYRACUSE, NY 13211</u>
Phone Business: <u>315-254-2386 / 315-380-1720</u>	Phone Business: <u>315-435-2411</u>
Phone Home: _____	Phone Home: <u>315-380-6445</u>
E-mail: <u>Contact page@cnypride.wix.com</u>	E-mail: <u>515vmguy@hotmail.com</u> *

Date of Application: 6/6/15 Reason/ Purpose of Application: FIRST AMENDMENT ACTIVITIES AT ENTRANCE TO PRIDE FESTIVAL

PARADE APPLICATION:

Formation location: _____ Dispersal location: _____

Day/Date: _____ Start Time: _____ Finish Time: _____

Parade Route: _____

Continued _____ Sound System: YES _____ NO _____

Estimated Number of Participants: _____ # of Motor Vehicles (See requirements on reverse): _____

PUBLIC ASSEMBLY APPLICATION:

Explain the Public Assembly (concert, protest, demonstration etc): FESTIVAL ENTRY LOCATION

Date(s) of Assembly: SAT JUNE 20, 2015 Start Time: 10:00 AM Finish Time: 5:00 PM

Location(s) of Assembly: DRIVEWAY INTO WHEEL HARBOR PARK ON KIRKPATRICK AND ADJACENT SIDEWALKS FOR 20 FT TO EITHER SIDE OF DRIVEWAY ON N. SIDE OF KIRKPATRICK. *
Expected # of Participants: 3000
Estimated Maximum #: 3500
Estimated Minimum #: 1000

Sound System: YES ☒ NO _____ Speakers, names: ORGANIZERS + PERFORMERS
(WITHIN FESTIVAL GROUNDS ADJACENT TO THIS LOCATION)

WE REQUEST EXCLUSIVE USE OF SOUND AMPLIFICATION ON THIS PORTION OF THESE SIDEWALKS AND ON SIDEWALK DIRECTLY ACROSS STREET (TO S.) ON KIRKPATRICK DURING SPECIFIED HOURS

Date of Issuance _____

Special Events Section C. O. _____

Uniform Bureau Deputy Chief _____

Police Stipulations _____ if checked see attached sheet

* WE REQUEST EXCLUSIVE USE OF THIS LOCATION FOR ACCESS TO FESTIVAL SITE DURING FESTIVAL, FOR SET UP TIME, + FOR FIRST AMENDMENT

NOTICE TO PARADE/PUBLIC ASSEMBLY PERMIT APPLICANTS

Applicant/Authorized Representative, please be advised that the Syracuse Police Department does not provide police services free of charge for Parades/Public Assembly's where officers have to be brought in to cover the event. There will not be a charge for Police services when the Department determines that based on the size or type of event, routine patrol functions are sufficient. The Special Events Section will review the Police deployment and associated costs with the applicant (via telephone or face to face meeting) before the permit is issued.

The expense for each Officer will be based on the current hourly overtime rate. The number of officers assigned to an event will be determined by the Police Department taking into consideration the type of event, location of event, alcohol being served, the number of participants and the level of street usage approved for the event. The event organizer will be required to reimburse the Syracuse Police Department for Police deployment associated with the event within 30 days of receiving the invoice for services rendered.

The Syracuse Police Department shall determine if the Parade/Assembly requires the closure of the entire street, 1/2 the street or no closure of the street. Participants may be directed to use the sidewalk, based on the day of the week, time of day, and participant's safety.

Two events will not be allowed to use the same route/assembly location without written permission of both requesting organizations and the approval of the Syracuse Police Department.

VEHICLE PARTICIPATION

Any motor vehicle participating in the any parade or public assembly must meet all New York State Vehicle & Traffic rules & regulations including valid registration, current insurance coverage, current NYS Inspection and the vehicle must be operated by a driver licensed to operate the type of motor vehicle involved. Proof of this requirement must be available for all vehicles and all drivers at the time of the event and must be produced if a Syracuse Police Officer so requests. Any motor vehicle or driver who does not have such proof on the day of the event will not be allowed to participate in the event.

This permit can be revoked due to emergency conditions that may arise before or during the course of the event for which granted, or for violations of any of the following regulations.


- 1) The applicant should carry a copy of this permit on his/her person during the event and will be designated as the contact person available to Police Officers for the transmission of messages or directions to all persons participating or attending the event. If the applicant is not going to be on scene then another individual must carry the permit and make his position known to the Police Officers on scene.
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Contact information for Billing Purposes:

Name: CHRIS SHEPHERD Address: CNY PRIDE PO BOX 6608 SYR 13217

Telephone Daytime: 315-435-2411 Other Telephone: 315-380-6445

E-mail: SYR/inguy@hotmail.com

Signature:  Title: PARADE CHAIR
+ CNY PRIDE BOARD MEMBER

PRIDE
3
REQUEST



PERMIT # _____

SYRACUSE POLICE DEPARTMENT
PARADE/PUBLIC ASSEMBLY PERMIT
(CITY ORDINANCE SECTION 16-35)

Requesting Organization: CNY PRIDE, INC.	Name of Applicant/Representative CNY PRIDE BOARD + CHRIS SHEPHERD, CHAIR, PARADE
Address: P.O. BOX 6608	Address: 212 W. MOLLOY RD
SYRACUSE, NY 13217	SYRACUSE, NY 13211
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Day/Date: _____ Start Time: _____ Finish Time: _____

Parade Route: _____

Continued _____ Sound System: YES _____ NO _____

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Estimated Maximum # 3500
Estimated Minimum # 1000

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USE OF SOUND AMPLIFICATION
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Date of Issuance _____
Special Events Section C. O. _____
Uniform Bureau Deputy Chief _____

if checked see attached sheet

* WE REQUEST
EXCLUSIVE USE
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FOR ACCESS TO
FESTIVAL SITE
DURING FESTIVAL,
FOR SET UP TIME,
+ FOR FIRST
AMENDMENT

PC - 0330 - 15

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E-mail: SYR.VANGUY@hotmail.com

Signature: [Signature] Title: PARADE CHAIR
+ CNY PRIDE BOARD MEMBER

PC-0330-15



Department of Neighborhood & Business Development
Central Permit Office
Stephanie A. Miner, Mayor

Public Assembly Plan Review Comments for Applicant
(Revised 07/15)

Location of Proposed Work: N/A Kirkpatrick St W

Permit #: PC-0330-15

Permit Type: Public Assembly

Date: 06/14/2016

Contact: CNY Pride, Inc.

Phone #: 315-706-1091

The departments below have reviewed your application and provided the following comments.
Approval is subject to the conditions listed below.

Approval	Status Date	Status	Reviewer	Comments
Police Department - Special Events	06/16/2015	Approved	Paul Kluge	
Central Permit Office	06/19/2015	Conditionally Approved	Sam White	Applicant is granted exclusive control to the entry area into the inner harbor festival area as well as the 40-feet on either side of the northern portion of Kirkpatrick street for the limited purpose of allowing exclusive use of sound amplification and access to the festival

